

BOARD FOR CONTRACTORS BOARD MEETING

MINUTES

The Board for Contractors met on Wednesday, August 20, 2003 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Board members Mark D. Kinser, Chairman, Charles W. Falwell, Kenneth W. Hart, Jim Hollar, Robert M. Kirby, William Paulette, Michael D. Redifer and Dorothy Wood were present.

Board members Robert O. Burch, Jr., David O. Harris, Sr., Robert M. McDowell, Anthony Orange and Jennifer Parrish were not present.

The following members of DPOR staff were also present during some or all of the meeting:

Louise Fontaine Ware, Director, Eric L. Olson, Executive Director, Contractors, Sheila Watkins, Administrative Assistant, Contractors, Jeffery Buckley, Legal Assistant for Adjudication, Enforcement, Wayne Brown, Criminal Investigator, Enforcement, Kimberly Freiburger, Regulatory Boards Administrator, Ellen Coates, Board Counsel and Victoria Traylor, Legal Assistant.

Chairman Robert Kinser called the meeting to order at 9:10 a.m. and declared that a quorum of board members were in attendance.

**Call
To Order**

A motion was made by Mr. Paulette and seconded by Mr. Redifer that the agenda be approved. The motion passed unanimously. Members voting "Yes" were Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Redifer and Ms. Wood. There were no negative votes. The agenda was approved.

**Approval of
the Agenda**

A motion was made by Mr. Hart and seconded by Mr. Redifer that the minutes of the meeting held July 9, 2003, the June 25, 2003 Trades meeting and the IFF meetings held **June 24, July 1, 15, and July 22, 2003** be approved. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Redifer and Ms. Wood. There were no negative votes. The minutes were approved.

**Approval of
Minutes
Contractor
Board 7/09/03
and IFF 6/24,
7/1, 15 and 22
2003 Trades
6/25/2003**

Chairman Kinser asked the members of the public whether they had any comments.

**Public
Comment
Period**

Mr. Gene Toman, Small Business Contractor spoke. He shared with the Board how contractors his concerns about Tradesman on the jobsite and the Tradesman Regulations. He also shared his concerns about the journeyman card and the licensing process.

In the matter of File Number 2003-02795, Louis Winkler, t/a L & G Construction, the board reviewed the **Licensing File Record # 2003-02795**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. Louis Winkler (Respondent) participated in the IFF and appeared at the Board meeting in person. Mr. Burch was absent and did not vote. Upon a motion by Mr. Redifer seconded by Mr. Hart, the board adopted the summary and incorporated it as a part of the order with the following amendment, quarterly reporting is not necessary and it is to be removed from the summary. The motion passed with a unanimous vote and the license was granted. Members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Redifer and Ms. Wood. The motion carried.

**5(6)
File
2003-02795
L & G
Construction**

In the matter of File Number 2003-01313, Melvin Morgan, t/a Melvin Morgan Roofing & Sheet Metal Company, the board reviewed the **Disciplinary file Record # 2003-01313**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. Melvin Morgan and Guy Crowdgey (Attorney) attended the Board meeting. They did not attend the IFF. Mr. Crowdgey addressed the Board and expressed his opposition to Count 1 and his agreement with count 2. Ms. Barbara Chandler complainant was present and she addressed the Board voicing her agreement with the hearing officer's summary and recommendation. She did attend the IFF hearing. Mr. Kinser recused himself and did not vote. Mrs. Wood chaired this case. Upon a motion by Mr. Falwell and seconded by Mr. Paulette, the board recommended remanding the case back to an IFF for presentation of information. The motion passed with a unanimous vote. Members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Paulette, Ms. Wood and Mr. Redifer. The motion carried. **If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.**

**5 (2)
File
2003-01313
Melvin
Morgan
Roofing &
Sheet Metal
Company**

In the matter of File Number 2003-03210, Stephanie W. Denny t/a Metro Contracting, Inc.; the board reviewed the licensing record, which

**5(3)
File**

consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. Ms. Denny appeared before the board voicing her agreement with the hearing officer's recommendation. Mr. Redifer recused himself and did not vote. Ms. Traylor offered a point of correction to the summary. In item 2 of the summary the record should reflect S. Denny. Mr. Kirby offered a motion to accept the hearing officer's summary with the correction and grant the license that was seconded by Mr. Falwell. The motion passed with a unanimous vote. Members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Ms. Wood. The motion carried and the license was granted.

2003-03210
Metro
Contracting,
Inc., Inc.

In the matter of File Number 2002-03188, Christopher A Gay t/a Elite Home Services; Disciplinary Record File, the board reviewed the **Record # 2002-03188** which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Christopher A Gay (respondent)** did not appear at the Board meeting or the IFF in person, by counsel, or by any other qualified representative. Neither Mr. nor Mrs. Dunbar (**complainants**) appeared at the Board meeting or the IFF. Mr. Hart recused himself and did not vote. Upon a motion by Mr. Kirby, seconded by Mr. Redifer, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that Christopher A Gay violated the following sections of its 2001 Regulations: Count 1: 18 VAC 50-22-260(B)(9) ; Count 2: 18 VAC 50-22-260(B)(15); Count 3: 18 VAC 50-22-260(B)(16); Count 4: 18 VAC 50-22-260(B)(13). The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Redifer and Ms. Wood. The motion carried. Upon a motion by Mr. Falwell, seconded by Mr. Kirby, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: Count 1: 18 VAC 50-22-260(B)(9); \$ 1,800.00; for Count 2: 18 VAC 50-22-260(B)(15); \$2,500.00. and license revocation; Count 3: 18 VAC 50-22-260(B) (16); \$2,500.00 and license revocation; Count 4: 18 VAC 50-22-260(B) (13); \$2,500 and license revocation. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Ms. Wood and Mr. Redifer. The motion carried. **If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.**

5(18)
File
2002-03188
Elite Home
Services

In the matter of File Number 2002-02992, James Johnson t/a Jim Johnson Builders; Disciplinary Record File, the board reviewed the **Record # 2002-02992** which consisted of the investigative file, transcript,

5(5)
File
2002-02992

exhibits from the IFF, and the presiding board member's summary. **James N. Johnson (respondent)** did not appear at the Board meeting but he did appear at the IFF. Mr. and Mrs. Overfelt (**complainants**) appeared at the IFF but not the Board meeting. Mr. Hart recused himself and did not vote. Upon a motion by Mr. Redifer, seconded by Mr. Kirby the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that James Johnson violated the following sections of its **1999 Regulations**: Count 1: 18 VAC 50-22-260(B)(8) ; Count 2: 18 VAC 50-22-260(B)(6); Count 3: 18 VAC 50-22-260(B)(12); Count 4: September 1, 2001 Regulations 18 VAC 50-22-260(B)(6). The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Redifer and Ms. Wood. The motion carried. Upon a motion by Mr. Redifer, seconded by Ms. Wood, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: Count 1: 18 VAC 50-22-260(B)(8); \$700.00; for Count 2: 18 VAC 50-22-260(B)(6); \$2,400.00; Count 3: 18 VAC 50-22-260(B)(12); \$2,500.00 and license revocation; Count 4: 18 VAC 50-22-260(B)(6); \$2,500 and license revocation. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Ms. Wood and Mr. Redifer. The motion carried. **If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.**

**Jim Johnson
Builders**

In the matter of File Number 2002-02328, Christopher A Gay t/a Elite Home Services; Disciplinary Record File, the board reviewed the **Record # 2002-02328** which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Christopher A Gay (respondent)** did not appear at the Board meeting or the IFF in person, by counsel, or by any other qualified representative. Mr. Raymond Chaney (**complainant**) did not appear at the Board meeting or the IFF. Mr. Hart recused himself and did not vote. Upon a motion by **Mr. Paulette**, seconded by **Mr. Hollar**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Christopher A Gay** violated the following sections of its **May 1, 1999 Regulations**: Count 1: 18 VAC 50-22-260(B)(8) ; Count 2: 18 VAC 50-22-260(B)(1) to wit: §54.1-1103 of the Code of Virginia; Count 3: 18 VAC 50-22-260(B)(12); Count 4: 18 VAC 50-22-260(B)(12); Count 5: 18 VAC 50-22-260(B)(6). The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Redifer and Ms. Wood. The motion carried. Upon a motion by Mr. Paulette seconded by Mr. Hollar, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: Count 1: 18 VAC 50-22-260(B)(8); \$ 1,800.00; for Count 2: 18 VAC 50-22-260(B)(1) to wit: §54.1-1103 of the Code of Virginia; \$2,500.00. and

**5(6)
File
2002-02328,
Elite Home
Services**

license revocation; Count 3: 18 VAC 50-22-260(B) (12); \$2,000.00 and license revocation; Count 4: 18 VAC 50-22-260(B) (13); \$2,500.00 and license revocation; Count 5: 18 VAC 50-22-260(B) (6); \$2,500.00 and license revocation. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Ms. Wood and Mr. Redifer. The motion carried. **If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.**

In the matter of File Number 2002-02025, Roddy Miller, Jr. t/a Mr. Roddy General Contractor; Disciplinary Record File, the board reviewed the **Record # 2002-02025** which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Roddy Miller, Jr. (respondent)** did not appear at the Board meeting or the IFF in person, by counsel, or by any other qualified representative. Mr. ChoongKil Lee (**complainant**) did not appear at the Board meeting or the IFF. Mr. Hart recused himself and did not vote. Upon a motion by **Mr. Falwell**, seconded by **Mr. Redifer**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Roddy Miller, Jr.** violated the following sections of its **May 1, 1999 Regulations** to wit: §54.1-1103: Count 1: 18 VAC 50-22-260(B)(1); Count 2: 18 VAC 50-22-260(B)(6); Count 3: 18 VAC 50-22-260(B)(28). The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Redifer and Ms. Wood. The motion carried. Upon a motion by Mr. Paulette seconded by Mr. Hollar, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: Count 1: 18 VAC 50-22-260(B)(1); \$ 2,500.00 and license revocation; for Count 2: 18 VAC 50-22-260(B)(6); \$2,500.00. and license revocation; Count 3: 18 VAC 50-22-260(B) (28); \$2,500.00 and license revocation. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Ms. Wood and Mr. Redifer. The motion carried. **If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.**

5(7)
File
2002-02025
Cedric
Hamilton t/a
G P Home
Improvement
& Cleaning

In the matter of File Number 2002-01999, Stephen T Chick, Sr. t/a Chick's General Contracting, Disciplinary Record File, the board reviewed the **Record # 2002-01999**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Stephen T Chick, Sr.** did appear at the Board meeting and the IFF. He shared his disagreement with counts 2 and 4 and his disagreement with his agreement with count 3 with the Board. Mr. Chick stated he

5(8)
File
2002-01999
Chick's
General
Contracting

completed and corrected all work referenced in count 5. Ms. Hendrickson (complainant) was present at the IFF and the Board meeting. She shared her disagreement with any type of reduction of fines for Mr. Chick. **Mr. Hart** recused himself and did not vote. Upon a motion by **Mr. Paulette**, seconded by **Mr. Kirby**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Stephen T Chick** violated the following sections of its **1999 Regulations**: **Count 1**: 18 VAC 50-22-230(A); **Count 2**: 18 VAC 50-22-260(B)(8); **Count 3**: 18 VAC 50-22-260(B)(8); **Count 4**: 18 VAC 50-22-260(B)(6); **Count 5**: 18 VAC 50-22-260(B)(25). The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Redifer, Ms. Wood and Mr. Hollar. The motion carried. Upon a motion by **Mr. Kirby**, seconded by **Mr. Falwell**, the board voted to accept the recommendation for the sanctions as follows with penalty amendments: The Board imposed the following sanctions: **Count 1**: 18 VAC 50-22-230(A); **\$500.00** and for **Count 2**: 18 VAC 50-22-260(B)(8); two counts @ **\$250.00**. each for a total monetary penalty of **\$500.00**. **Count 3**: 18 VAC 50-22-260(B) (8); two counts @ **\$250.00**. each for a total monetary penalty of **\$500.00**; **Count 4**: 18 VAC 50-22-260(B) (6) Effective September 1, 2001 **\$1,500.00**; **Count 5**: 18 VAC 50-22-260(B) (25), no violation. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Kinser, Mr. Kirby, Ms. Wood, Mr. Paulette, Mr. Redifer and Mr. Hollar. Mr. Hart was recused and did not vote. The motion carried. **If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.**

In the matter of File Number 2002-01577, Dorsey J Poling t/a Luxury Bath & Kitchen of VA, Disciplinary Record File, the board reviewed the **Record # 2002-01577**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Dorsey J Poling** did not appear at the Board meeting but he did attend the IFF. Mr. and Mrs. Sudder appeared at the IFF and the Board meeting. They expressed their agreement with the recommendation but expressed their concern that the penalties were not stiff enough and they would like his license taken away. The contractor paid the Sudder's \$8,300 and they now have a civil case against him to be heard in court. **Mr. Hart** recused himself and did not vote. Upon a motion by **Mr. Redifer**, seconded by **Mr. Falwell**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Dorsey J Poling** violated the following sections of its **1999 Regulations**: **Count 1**: 18 VAC 50-22-260(B)(8); **Count 2**: 18 VAC 50-22-260(B)(23); **Count 3**: 18 VAC 50-22-260(B)(13) (Effective September 1, 2001) closed with a finding of no violation. **Count 4**: 18 VAC 50-22-260(B) (13) (Effective September 1, 2001). The motion passed with a unanimous vote. Those members voting "Yes"

5 (9)
File
2002-01577
Luxury Bath
& Kitchen Of
VA

were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Ms. Wood and Mr. Redifer. The motion carried. Upon a motion by **Mr. Redifer**, seconded by **Mr. Hollar with a friendly amendment to make the fine for count 1 \$500. for each count and add remedial ed to Count 2**, the board voted to accept the recommendation for the sanctions with the amendments as follows: The Board imposed the following sanctions: **Count 1: 18 VAC 50-22-260(B) (8) (Effective May 1, 1999), \$500.00 each with a total of \$1,500. for the three counts. Count 2: 18 VAC 50-22-260(B) (23) (Effective May 1, 1999); \$1,000.00. plus remedial ed to be completed within six months of the order date; Count 3: 18 VAC 50-22-260(B) (14) (Effective September 1, 2001); closed with a finding of no violation; Count 4: 18 VAC 50-22-260(B) (13) (Effective September 1, 2001) \$500.00.** The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Ms. Wood and Mr. Redifer. Mr. Hart recused himself and did not vote. The motion carried. **If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.**

In the matter of File Number 2003-01087, Christopher A Gay t/a Elite Home Services; Disciplinary Record File, the board reviewed the **Record # 2002-02328** which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Christopher A Gay (respondent)** did not appear at the Board meeting or the IFF in person, by counsel, or by any other qualified representative. **Mr. Hart** recused himself and did not vote. Upon a motion by **Mr. Falwell**, seconded by **Mr. Hollar**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Christopher A Gay** violated the following sections of its **May 1, 1999 Regulations: Count 1: 18 VAC 50-22-260(B)(2).** The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Redifer and Ms. Wood. The motion carried. Upon a motion by **Mr. Falwell** seconded by **Mr. Redifer**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1: 18 VAC 50-22-260(B)(2); \$ 2,500.00; along with license revocation.** The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Ms. Wood and Mr. Redifer. The motion carried. **If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.**

5 (10)
File
2003-01087
Elite Home
Services

In the matter of File Number 2002-01079, Timothy Johnson t/a Project Management and Consulting Corporation, Inc., Disciplinary Record File, the board reviewed the **Record # 2002-01079**, which

5 (11)
File
2002-01079

consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Timothy Johnson** did not appear at the Board meeting or the IFF and he was not represented by counsel or any other representative. **Mr. Hart** recused himself and did not vote. Upon a motion by **Mr. Redifer**, seconded by **Mr. Hollar**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Timothy Johnson** violated the following sections of its **1999 Regulations: Count 1: 18 VAC 50-22-260(B)(2)**. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Ms. Wood and Mr. Redifer. The motion carried. Upon a motion by **Mr. Redifer**, seconded by **Mr. Kirby**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1: 18 VAC 50-22-260(B)(2), \$2,500.00. and the license revocation**. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Ms. Wood and Mr. Redifer. Mr. Hart recused himself and did not vote. The motion carried. **If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.**

In the matter of File Number 2002-00788, Clifton F. Daisey t/a Cliff Daisey House Painting , Disciplinary Record File, the board reviewed the **Record # 2002-00788**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Clifton Daisey**, did appear at the IFF. He did not appear at the Board meeting. **Mr. Hart** recused himself and did not vote. Upon a motion by **Mr. Hollar**, seconded by **Ms. Wood**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Cliff Daisey House Painting** violated the following sections of its **Regulations effective May 1, 1999): Count 1: 18 VAC 50-22-260(B)(8) and Count 2: 18 VAC 50-22-260(B)(12). Count 3 18 VAC 50-22-260(B) (12)**. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Ms. Wood and Mr. Redifer. The motion carried. Upon a motion by **Ms. Wood** seconded by **Mr. Kirby**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1 Basic Contracting Licensing Class must be completed within six months of the entry of the order and a penalty of \$100.00. Count 2: No Violation. Count 3: No violation.** The motion failed with a vote of 1 no cast by: **Mr. Hollar** and a vote of 6 yes cast by: **Mr. Falwell, Mr. Kinser, Mr. Kirby, Mr. Paulette, Ms. Wood and Mr. Redifer**. **Mr. Hollar withdrew his opposing vote and Ms. Wood offered a motion to adopt the Sanctions as recommended in the summary for Counts 1, 2 and 3. Mr. Kirby seconded the motion. The motion passed with a**

**Project
Management
and
Consulting
Corporation,
Inc.**

**5 (12)
File
2002-00788
Cliff Daisey
House
Painting**

unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Ms. Wood and Mr. Redifer. Mr. Hart recused himself and did not vote. The motion carried. **If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.**

In the matter of File Number 2002-00709, Joseph P. Vass t/a Colonial Design & Build CO, Disciplinary Record File, the board reviewed the **Record # 2002-00709**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Joseph Vass** did appear at the Board meeting and the IFF and expressed his agreement and disagreement with the recommendation. **Mr. Hart** recused himself and did not vote. Upon a motion by **Mr. Falwell**, seconded by **Mr. Redifer**, the board voted to accept the recommendation for the violations as follows: **The Board found clear and convincing evidence that Colonial Design & Build violated its Regulations effective May 1, 1999: Count 1: 18 VAC 50-22-260(B)(8); Count 2: 18 VAC 50-22-260(B)(12); Count 3: 18 VAC 50-22-260(B)(6); Count 4 18 VAC 50-22-260(B)(6).** The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Ms. Wood and Mr. Redifer. The motion carried. Upon a motion by **Mr. Falwell**, this failed due to lack of a second. Upon a motion by **Mr. Redifer** to adopt the recommendations for the sanctions as follows: **Count 1: a penalty of \$1,500.00; Count 2: a penalty of \$2,500.00 and revocation of license; Count 3: \$1,000.00; Count 4: \$1,000.00.** The motion died without a second. **Mr. Paulette** offered a motion that was seconded by **Mr. Kirby** as follows: **Count 1: \$1,000. penalty to be consistent, Count 2: \$2,500.00 and no revocation of license; Count 3: \$1,000.00 and Count 4: \$500.00 plus the completion of Remedial Ed within six months of the date of the order. The motion carried. The vote was unanimous. Members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Ms. Wood and Mr. Redifer. Mr. Hart recused himself and did not vote. If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.**

5 (13)
File
2002-00709
Colonial
Design &
Build CO

In the matter of File Number 2002-00041, Roddy Miller, Jr. t/a MR. Roddy General Contractor., Disciplinary Record File, the board reviewed the **Record # 2002-00041**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Jaimaika James, daughter of Karolynn James (Deceased), (complainant)** appeared at the IFF and before the Board and expressed her agreement. **Roddy, Miller, JR. (Regulant)** did not appear at the Board meeting or the IFF and he was not represented by counsel or any other means. **Mr. Hart** recused himself and did not vote. Upon a motion by **Mr. Hollar**, seconded by **Ms. Wood**, the board voted

5 (14)
File
2002-00041
MR. Roddy
General
Contractor

to accept the recommendation for the violations as follows: **The Board found clear and convincing evidence that MR. Roddy General Contractor violated its Regulations effective May 1, 1999, to wit: §54.1-1103 of the Code of Virginia: Count 1: 18 VAC 50-22-260(B)(1). Count 2: 18 VAC 50-22-260(B) (8). Count 3: 18 VAC 50-22-260(B) (6). Count 4: 18 VAC 50-22-260(B) (6). Count 5: 18 VAC 50-22-260(B) (28). Count 6: 18 VAC 50-22-260(B) (11).** The motion carried with a unanimous vote. Members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Redifer and Mrs. Wood. Upon a motion by **Ms. Wood**, seconded by **Mr. Hollar**, the board voted to accept the recommendation for the sanctions as follows: **Count 1 \$2,500.00 and license revocation. Count 2: \$1,000.00. Count 3: \$1,000.00 and license revocation. Count 4: \$2,000.00. Count 5: \$2,500.00 and license revocation. Count 6: \$2,500. and license revocation.** The motion passed with a unanimous vote. Members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Redifer and Mrs. Wood. **The motion carried.** Mr. Hart recused himself and did not vote. **If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.**

In the matter of File Number 2003-00566, Renee Rogers t/a Rogers Asphalt Paving and Sealing, Disciplinary Record File, the board reviewed the Record # 2003-00566, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Renee Rogers (Regulant) did not appear at the IFF. She appeared at the Board meeting and expressed her disagreement with the Board's recommendation. Mr. Trung Bui, Complainant did not attend the Board meeting or the IFF. Mr. Orange was absent and did not vote. Upon a motion by Mr. Paulette, seconded by Mr. Hart, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that Rogers Asphalt Paving and Sealing violated the following sections of its September 1, 2001 Regulations: Count 1: 18 VAC 50-22-230(A); Count 2: 18 VAC 50-22-260(B)(9); Count 3: 18 VAC 50-22-260(B)(28) Count 4: 18 VAC 50-22-260(B)(22); Count 5: 18 VAC 50-22-260(B)(23). The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Paulette, Ms. Wood and Mr. Redifer. The motion carried. Upon a motion by Mr. Paulette, seconded by Mr. Hart, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: Count 1, 18 VAC 50-22-230(A); \$2,500.00. Count 2: 18 VAC 50-22-260(B) (9); \$1,000.00. The Board waives the imposition of the \$1,000.00 monetary penalty for Count 2 provided Rogers successfully completes remedial education by attending the Board's Basic Contracting License class and passing the examination. If Rogers fails to complete remedial education within six months of the effective date of this order, then the monetary penalty will be automatically imposed. Count 3: 18 VAC 50-22-260(B) (28) \$1,000.00. plus license revocation. Count 4: 18 VAC 50-22-260(B) (22); \$500.00. Count 5: 18 VAC 50-22-260(B) (23); \$500.00. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Paulette, Ms. Wood and Mr. Redifer. Mr. Orange was absent and did not vote. The motion carried. If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.

**5 (15)
File
2003-00566
Rogers
Asphalt
Paving and
Sealing**

In the matter of File Number 2003-00939, R. David & Sandra Z Boardway (Claimants) and Donald D. Carr t/a Apple Homes. The board reviewed the record which consisted of the Recovery Fund Record # 2003-00939, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. R David Boardway (Claimant) attended the IFF and Mr. and Mrs. Boardway both attended the Board meeting and addressed the board voicing their agreement with the recommendation. Mr. Donald D. Carr nor any representative nor counsel appeared at the IFF or the Board meeting. Mr. Paulette recused himself and did not vote. Upon a motion by Mr. Kirby and seconded by Mr. Hollar the Board

**5 (16)
File
2003-00939
Apple Homes**

adopted the hearing officer's recommendation and approved payment in the amount of \$10,000.00 to the Boardways. The Warrant in Debt Recited "Reimbursement of some expenses incurred to complete construction of house." Failure of the Regulant to complete the house as contracted with the Claimants falls within the definition of improper and dishonest conduct, per Section 54.1-1118, of the Code of Virginia. The motion passed with a unanimous vote. Members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Kinser, Ms. Wood and Mr. Redifer. The motion carried.

In the matter of File Number 2002-00402, Eric W. Helfrich t/a Home Investments, Disciplinary Record File, the board reviewed the Record # 2002-00402, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Eric W Helfrich (Regulant) did not appear at the IFF or the Board meeting. Mrs. Thelma L. Kouzes, (Complainant) did not attend the Board meeting or the IFF. Mr. Paulette recused himself and did not vote. Upon a motion by Mr. Kirby, seconded by Mr. Redifer, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that Home Investments violated the following sections of its May 1, 1999 Regulations: Count 1: 18 VAC 50-22-260(B)(8)(h); Count 2: 18 VAC 50-22-260(B)(12); Count 3: 18 VAC 50-22-260(B)(6) Count 4: 18 VAC 50-22-260(B)(6); Count 5: 18 VAC 50-22-260(B)(6). The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Kinser, Ms. Wood and Mr. Redifer. The motion carried. Upon a motion by Mr. Redifer, seconded by Mr. Kirby, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: Count 1, 18 VAC 50-22-260(B)(8)(h); \$300.00. Count 2: 18 VAC 50-22-260(B) (12); \$1,000.00 and license revocation. Count 3: 18 VAC 50-22-260(B) (6) \$500.00. Count 4: 18 VAC 50-22-260(B) (12); \$1,000.00 and license revocation. Count 5: 18 VAC 50-22-260(B) (6); \$1,000.00 and license revocation. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Kinser, Ms. Wood and Mr. Redifer. Mr. Paulette recused himself and did not vote. The motion carried. If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.

**5 (17)
File
2002-00402
Home
Investments**

In the matter of File Number 2002-03571, Herta Korb (Complainant) vs. Jim Davidson (Respondent) t/a Sundecks of Richmond, Inc. Disciplinary Record File, the board reviewed the Record # 2002-03571, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Jim Davidson (Respondent) and Paul T Buckwalter, Esquire appeared at the IFF

**5 (18)
File
2002-03571
Sundecks of
Richmond,
Inc.**

and did not appear at the Board meeting. Mrs. Herta Korb, (Complainant) did not attend the Board meeting but she attended the IFF. Mr. Redifer recused himself and did not vote. Upon a motion by Ms. Wood, seconded by Mr. Falwell, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that Sundecks of Richmond, Inc. violated the following sections of its September 1, 2001 Regulations: Count 1: 18 VAC 50-22-260(B)(9); Count 2: 18 VAC 50-22-260(B)(16) no violation; Count 3: 18 VAC 50-22-260(B)(31). The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Kinser, Ms. Wood and Mr. Paulette. The motion carried. Upon a motion by Mr. Falwell, seconded by Mr. Hart, the board voted to accept the recommendation for the sanctions with amendments as follows: The Board imposed the following sanctions: Count 1, 18 VAC 50-22-260(B) (16); increase the penalty from \$250.00 to \$750.00 and in addition, the Board recommends that the Designated Employee J. Davidson successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of the final order. Count 2: 18 VAC 50-22-260(B) (16); be closed with a finding of no violation. Count 3: 18 VAC 50-22-260(B)(31); increase the penalty from \$250.00 to \$750.00 and in addition, the Board recommends that the Designated Employee J. Davidson successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of the final order. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Kinser, Ms. Wood and Mr. Paulette. Mr. Redifer recused himself and did not vote. The motion carried. If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended. Mrs. Traylor let the Board know the Respondent had prior violations.

In the matter of File Number 2002-02520, Bache G. Parks (Respondent) t/a Parks Building Etc., Disciplinary Record File, the board reviewed the Record # 2002-02520, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Wesley Edwards (complainant) attended the IFF but not the Board meeting. Parks Building Etc. did not appear at the Board meeting in person by counsel or by any other qualified representative. Mr Bache the Respondent and Jon C Paulson Esquire did appear at the IFF. Mr. Redifer recused himself and did not vote. Upon a motion by Mr. Hart, seconded by Mr. Falwell, the board voted to accept the recommendation for the violations as follows: The Board found clear and convincing evidence that Parks Building Etc. violated the following sections of its May 1, 1999 Regulations: Count 1: 18 VAC 50-22-

5(19)
File
2002-02520
Parks
Building Etc.

260(B)(8)); Count 2: 18 VAC 50-22-260(B)(1), to wit; Section 54.1-1103 of the Code of Virginia (Effective May 1, 1999); Count 3: 18 VAC 50-22-260(B)(12) closed with a finding of no violation; Count 4: 18 VAC 50-22-260(B)(12) closed with a finding of no violation. Count 5: 18 VAC 50-22-260(B) (12) closed with a finding of no violation. Count 6: 18 VAC 50-22-260(B) (12) closed with a finding of no violation. Count 7: 18 VAC 50-22-260(B) (6). The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette and Ms. Wood. The motion carried. Upon a motion by **Mr. Hart**, seconded by **Mr. Kirby**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1: 18 VAC 50-22-260(B)(8)) \$250.00 and Parks must successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the effective date of the order. Count 2: 18 VAC 50-22-260(B) (1), to wit; Section 54.1-1103 of the Code of Virginia (Effective May 1, 1999) \$1,500.00. Count 3: 18 VAC 50-22-260(B) (12) closed with a finding of no violation. Count 4: 18 VAC 50-22-260(B) (12) closed with a finding of no violation. Count 5: 18 VAC 50-22-260(B) (12) closed with a finding of no violation. Count 6: 18 VAC 50-22-260(B) (12) closed with a finding of no violation. Count 7: 18 VAC 50-22-260(B) (6) \$1,000.00. If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.** The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette and Ms. Wood. The motion carried.

In the matter of File Number 2001-02579, Samuel A Crumpaker (Respondent) t/a Crumpacker Construction., Disciplinary Record File, the board reviewed the Record # 2002-02579, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. Cynthia Hunter (complainant) did not attend the IFF or the Board meeting. Crumpacker Construction did not appear at the Board meeting in person by counsel or by any other qualified representative. Neither Mr Crumpaker the Respondent nor anyone on his behalf appeared at the IFF. Mr. Redifer recused himself and did not vote. Upon a motion by Ms. Wood, seconded by Mr. Hart, the board voted to accept the recommendation for the violations as follows: The Board found clear and convincing evidence that Crumpaker. violated the following sections of its May 1, 1999 Regulations: Count 1: 18 VAC 50-22-260(B)(1) to wit: §54.1-1103 of the Code of Virginia; Count 2: 18 VAC 50-22-260(B)(11), Count 3: 18 VAC 50-22-260(B)(6); Count 4: 18 VAC 50-22-260(B)(12) ; Count 5: 18 VAC 50-22-260(B)(6) ;Count 6: 18 VAC 50-22-260(B)(12) .

5 (20)
File
2001-02279
Crumpaker
Construction

The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette and Ms. Wood. The motion carried. Upon a motion by **Ms. Wood**, seconded by **Mr. Falwell**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1: 18 VAC 50-22-260(B) (1) to wit: §54.1-1103 of the Code of Virginia; \$1,500.00 and Mr. Crumpacker needs to successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the effective date of the order. Count 2: 18 VAC 50-22-260(B) (11), \$500.00 and Mr. Crumpacker needs to successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the effective date of the order. Count 3: 18 VAC 50-22-260(B) (6); \$450.00 and Mr. Crumpacker needs to successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the effective date of the order. Count 4: 18 VAC 50-22-260(B) (12); \$2,500.00 and license revocation. Count 5: 18 VAC 50-22-260(B) (6); \$1,500.00. Count 6: 18 VAC 50-22-260(B) (12); \$2,500.00 and license revocation. If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.** The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette and Ms. Wood. The motion carried.

In the matter of File Number 2003-01728, Daniel Asbury Smith Application for Tradesman License; Licensing File, the board reviewed the **Record # 2003-01728**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Daniel Asbury Smith** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. **Ms. Parish** was absent and did not vote. Upon a motion by **Mr. Falwell**, seconded by **Mr. Kirby**, the board voted to accept the recommendation and grant **Daniel Asbury Smith** a license. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Paulette, Mr. Kinser, Mr. Kirby, Mr. Redifer and Ms. Wood. The motion was carried.

**5(21)
File
2003-01728
Daniel
Asbury Smith
Application
For License**

In the matter of File Number 2002-00800, Samuel Crupacker t/a Crumpacker Construction, Disciplinary Record File, the board reviewed the **Record # 2002-00800**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Ms. Myrtle Craft (complainant) did not attend the IFF or the Board meeting. Crumpacker Construction** did not appear at the Board meeting in person by counsel or by any other qualified

**5 (22)
File
2002-00800
Crumpacker
Construction**

representative. Neither Mr Crumpacker the **Respondent** nor anyone on his behalf appeared at the IFF. **Mr. Redifer** recused himself and did not vote. Upon a motion by **Mr. Paulette**, seconded by **Ms. Wood**, the board voted to accept the recommendation for the violations as follows: The Board found clear and convincing evidence that **Crumpacker** violated the following sections of its **May 1, 1999 Regulations**: **Count 1: 18 VAC 50-22-260(B) (8)**; **Count 2: 18 VAC 50-22-260(B) (6)**, **Count 3: 18 VAC 50-22-260(B) (12)**. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette and Ms. Wood. The motion carried. Upon a motion by **Mr. Paulette**, seconded by **Ms. Wood**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1: 18 VAC 50-22-260(B) (8); \$250.00 and Mr. Crumpacker needs to successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the effective date of the order.** **Count 2: 18 VAC 50-22-260(B) (6) \$250.00 and Mr. Crumpacker needs to successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the effective date of the order.** **Count 3: 18 VAC 50-22-260(B) (12) \$1,000.00.** The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette and Ms. Wood. The motion carried. **Mr. Redifer** recused himself and did not vote. **If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.**

In the matter of File Number 2003-00513, **Leon A Hundley, III t/a Home Improvement, Disciplinary Record File**, the board reviewed the **Record # 2003-00513**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Hundley (Respondent)** did not attend the IFF or the Board meeting in person or by counsel or by any other qualified representative. **Mr. Garland Gordon (Complainant)** attended the IFF but not the Board Meeting. **Mr. Redifer** recused himself and did not vote. Upon a motion by **Mr. Paulette**, seconded by **Mr. Hart**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Leon A Hundley, III** violated the following sections of its **September 1, 2001 Regulations**: **Count 1: 18 VAC 50-22-230(A)**; **Count 2: 18 VAC 50-22-260(B)(9)**; **Count 3: 18 VAC 50-22-260(B)(15)**; **Count 4: 18 VAC 50-22-260(B)(16)**; **Count 5: 18 VAC 50-22-260(B)(13)**. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Ms. Wood. The motion carried. Upon a motion by **Mr. Paulette**, seconded by **Mr. Kirby**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1, 18 VAC 50-22-230(A)**

5 (23)
File
2003-00513
Home
Improvement

\$250.00. **Count 2:** 18 VAC 50-22-260(B) (9) **\$250.00. Count 3:** 18 VAC 50-22-260(B) (15) **\$1,500.00. Count 4:** 18 VAC 50-22-260(B) (16) **\$2,500.00 and license revocation. Count 5:** 18 VAC 50-22-260(B) (13) **\$500.00.** The motion failed with a No vote by Mr. Hollar and 6 Yes votes by: Mr. Falwell, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette and Ms. Wood. Mr. Hollar offered a motion that was seconded by Mr. Falwell to accept the recommendation with the following amendment to add **Remedial Education to each count. Mr. Hundley must complete Remedial Education successfully within six months of the date of the order. Count 1, 18 VAC 50-22-230(A) \$250.00. plus remedial education. Count 2: 18 VAC 50-22-260(B) (9) \$250.00 plus remedial education. Count 3: 18 VAC 50-22-260(B) (15) \$1,500.00 plus remedial education. Count 4: 18 VAC 50-22-260(B) (16) \$2,500.00 and license revocation plus remedial education. Count 5: 18 VAC 50-22-260(B) (13) \$500.00 plus remedial education.** All penalties must be paid within 60 days of the order date. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Ms. Wood. Mr. Redifer recused himself and did not vote. The motion carried. **If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.**

In the matter of File Number 2003-00112, Steve A Holsapple t/a Construction Unlimited, Disciplinary Record File, the board reviewed the Record # 2003-00112, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Steve A Holsapple (Respondent) and Sonja B Bourne (Complainant) both** attended the IFF. Mr. Holsapple did not appear at the Board meeting in person nor by counsel or by any other qualified representative. Mrs. Bourne attended the Board meeting and expressed her agreement with the recommendation and she shared with the Board that she wants Mr. Holsapple's license taken away. **Mr. Redifer** recused himself and did not vote. Upon a motion by **Mr. Falwell**, seconded by **Ms. Wood**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Steve A Holsapple** violated the following sections of its **May 1, 1999 Regulations: Count 1:** 18 VAC 50-22-210; **Count 2:** 18 VAC 50-22-230(A); **Count 3:** 18 VAC 50-22-260(B)(9); **Count 4:** 18 VAC 50-22-260(B)(6); **Count 5:** 18 VAC 50-22-260(B)(31); **Count 6:** 18 VAC 50-22-260(B)(27). The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Ms. Wood. The motion carried. Upon a motion by **Mr. Paulette**, seconded by **Mr. Hart**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1: 18 VAC 50-22-210; \$250.00**

5 (24)
File
2003-00112
Construction
Unlimited

and Mr. Holsapple must successfully complete the Board's Basic Contractor Licensing Class (remedial education) within six months of the entry of the Order. Count 2: 18 VAC 50-22-230(A); \$250.00 and Mr. Holsapple must successfully complete the Board's Basic Contractor Licensing Class (remedial education) within six months of the entry of the Order. Count 3: 18 VAC 50-22-260(B) (9); \$250.00 and Mr. Holsapple must successfully complete the Board's Basic Contractor Licensing Class (remedial education) within six months of the entry of the Order. Count 4: 18 VAC 50-22-260(B) (6); \$1,500.00. Count 5: 18 VAC 50-22-260(B) (31); \$250.00 and Mr. Holsapple must successfully complete the Board's Basic Contractor Licensing Class (remedial education) within six months of the entry of the Order. Count 6: 18 VAC 50-22-260(B) (27); \$1,200.00. If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Ms. Wood. The motion carried. Mr. Redifer recused himself and did not vote.

In the matter of File Number 2003-00036, Leon A Hundley, III t/a Home Improvement, Disciplinary Record File, the board reviewed the Record # 2003-00036, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Hundley (Respondent) did not attend the IFF or the Board meeting in person or by counsel or by any other qualified representative. Mr. & Mrs. Everett Garland (Complainant) did not attend the IFF or the Board Meeting. Mr. Redifer recused himself and did not vote. Upon a motion by Mr. Paulette, seconded by Mr. Hart, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that Leon A Hundley, III violated the following sections of its September 1, 2001 Regulations: Count 1: 18 VAC 50-22-230(A); Count 2: 18 VAC 50-22-260(B)(9); Count 3: 18 VAC 50-22-260(B)(15); Count 4: 18 VAC 50-22-260(B)(16); Count 5: 18 VAC 50-22-260(B)(31); Count 6: 18 VAC 50-22-260(B)(27). The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Ms. Wood. The motion carried. Upon a motion by Mr. Paulette, seconded by Mr. Kirby, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: Count 1, 18 VAC 50-22-230(A) \$500.00. Count 2: 18 VAC 50-22-260(B) (9) \$150.00. Count 3: 18 VAC 50-22-260(B) (15) \$2,500.00 and license revocation. Count 4: 18 VAC 50-22-260(B) (16) \$2,500.00 and license revocation. Count 5: 18 VAC 50-22-260(B) (31) \$250.00. Count 6: 18 VAC 50-22-260(B) (27) \$1,000.00. If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended. The motion passed with a

5 (25)
File
2003-00036
Home
Improvement

unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Ms. Wood. Mr. Redifer recused himself and did not vote. The motion carried.

In the matter of File Number 2004-00464, David Parsons t/a DP Electric Application for Class B Contractor's License; Licensing File, the board reviewed the **Record # 2004-00464**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **David Parsons** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. **Ms. Parish** was absent and Ms. Wood recused herself and did not vote. Upon a motion by **Mr. Paulette**, seconded by **Mr. Hollar**, the board voted to accept the recommendation and grant **David Parsons** a class B license. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Paulette, Mr. Kinser, Mr. Kirby and Mr. Redifer. The motion was carried.

**5 (26)
File
2004-00464
DP Electric**

In the matter of File Number 2004-00462, David Parsons Master Electrician License; Licensing File, the board reviewed the **Record # 2004-00462**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **David Parsons** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. **Ms. Parish** was absent and Ms. Wood recused herself and did not vote. Upon a motion by **Mr. Paulette**, seconded by **Mr. Kirby**, the board voted to accept the recommendation and approve **David Parsons's** application for a Master Electrician's (Tradesman) license. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Paulette, Mr. Kinser, Mr. Kirby and Mr. Redifer. The motion was carried.

**5 (27)
File
2004-00462
David
Parsons
Master
Electrician's
License**

The Board took a five minute recess at 10:45 to 10:50.

In the matter of File Number 2003-02797, Richard Tadlock t/a Dominion Building & Construction Corp.; Disciplinary Record File, the board reviewed the **Record # 2003-02797**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Richard Tadlock designated employee for Dominion** did appear at the IFF and the Board meeting. He expressed his concerns with the Board stated as of August 3, 2003 he is no longer an employee of Dominion therefore he is no longer the companies DE. No one else from Dominion was present at the IFF or the Board meeting. A letter requesting that the case be continued was addressed by the Board.

**5 (28)
File
2003-02797
Dominion
Building &
Construction
Corp.**

Mr. Burch was absent and did not vote. Mr. Redifer offered a motion to deny the request for continuance and Mr. Kirby seconded the motion. The vote to deny the request was unanimous. Members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Redifer and Ms. Wood. Mr. Burch was absent and did not vote. Mr. Redifer offered a motion that the application for licensure is now incomplete with the removal of the Designated Employee and the case should be remanded to the licensing section for processing. Mr. Kirby seconded. The vote was unanimous. Members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Redifer and Ms. Wood. The motion carried.

In the matter of File Number 2003-02796, William McMickle application for Class B Contractor License, Licensing File, the board reviewed the **Record # 2003-02796**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **William McMickle, Applicant** appeared at the IFF and he sent a letter to the board indicating his agreement with the hearing officer's recommendation. He was unable to attend the Board meeting. **Mr. Burch** was absent and did not vote. Upon a motion by **Mr. Paulette**, seconded by **Mr. Hart**, the board voted to accept the recommendation and approve **William McMickle's Class B Contractor** license. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Paulette, Mr. Kinser, Mr. Kirby, Ms. Wood and Mr. Redifer. The motion was carried.

**5 (29)
File
2003-02796
W M Build**

In the matter of File Number 2003-02792, Donald R Best, Jr. t/a Best Improvements and Quality Painting LLC, Licensing File, the board reviewed the **Record # 2003-02792**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Best** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. **Mr. Burch** was absent and did not vote. Upon a motion by **Mr. Redifer**, seconded by **Mr. Hart**, the board voted to accept the recommendation and approve **Donald Best's** application for a Class C license. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Paulette, Mr. Kinser, Mr. Kirby, Mrs. Wood and Mr. Redifer. The motion was carried.

**5 (30)
File
2003-02792
Best
Improvements
and Quality
Painting LLC**

In the matter of File Number 2003-00255, Samuel D. Stanley, t/a Sam & Janice Your Personal Pavers, Disciplinary Record File, the board reviewed the **Record # 2003-00255**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Everett Rhoades (complainant)** attended the Board's

**5 (31)
File
2003-00255
Sam & Janice
Your**

**Personal
Pavers**

meeting and shared with the Board that no work has been done and he agrees with the recommendation. He and Mrs. Janice Stanley also attended the IFF. **Samuel Stanley** did not appear at the IFF in person or by counsel or by any other qualified representative. He did attend the Board meeting and express his disagreement with the recommendations. He shared with the Board this was his first offense since he started in business in 1996. **Mr. Burch was absent** and did not vote and **Mr. Paulette** offered a motion, seconded by **Mr. Kirby**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Samuel Stanley** violated the following sections of its **May 1, 1999 Regulations**: **Count 1: 18 VAC 50-22-260(B) (8)**; **Count 2: 18 VAC 50-22-260(B) (30)**. **Count 3: 18 VAC 50-22-260(B) (13)**. The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Paulette, Ms. Wood and Mr. Redifer**. The motion carried. Upon a motion by **Mr. Falwell**, seconded by **Mr. Redifer**, the board voted to accept the recommendation for the sanctions with amendments as follows: The Board imposed the following sanctions: **Count 1, 18 VAC 50-22-260(B)(8); \$300.00 and Mr. Stanley's successfully completing the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of the order. Count 2: 18 VAC 50-22-260(B) (30); \$750.00. and Mr. Stanley's successfully completing the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of the order. Count 3: 18 VAC 50-22-260(B) (13); \$750.00 from \$1,130 and mandatory completion of Remedial education. Mr. Hart offered a friendly amendment to leave Counts 1, \$300.00 and remedial ed and Count 3 remedial ed and \$1,130.00 as sanctioned and to reduce count 2's penalty to \$0.00 if Mr. Stanley repairs the driveway within 60 days to the customer's satisfaction. The Board should be notified by letter of said completion and customer satisfaction by Mr. Rhodes signature on the letter. If Mr. Stanley does not meet these terms then Count 2 will revert back to \$750.00 and remedial ed. If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended. The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Kinser, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Paulette, Ms. Wood and Mr. Redifer**. **Mr. Burch was absent** and did not vote. The motion carried.**

In the matter of File Number 2003-03384, Mark Jones (Respondent) t/a Jones Roofing Co., Disciplinary Record File, the board reviewed the Record # 2003-03384, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Mark Jones, (Respondent) and John M Ballenger, Esquire appeared at the

**5 (32)
File
2002-03384
Jones Roofing
Co.**

IFF and the Board meeting. He expressed his agreement with the recommendation. Ms. Lisa Pogue (Complainant as President of the Kings Rowe Homeowner's Association) did not attend the IFF or the Board meeting. Mr. Neff was not present and did not vote. Upon a motion by Ms. Wood, seconded by Mr. Paulette, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Jones Roofing Co. Incorporated** violated the following of its May 1, 1999 Regulations: **Count 1: 18 VAC 50-22-260(B)(8) no sanction for this violation. Count 2: 18 VAC 50-22-260 (B) (6). Count 3: 18 VAC 50-22-260(B) (6). Count 4: 18 VAC 50-22-260(B) (6) no sanction for this violation. Count 5: 18 VAC 50-22-260(B) (6) no sanction for this violation.** The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Paulette, Ms. Wood and Mr. Redifer.** The motion carried. Upon a motion by Ms. Wood, seconded by Mr. Falwell the board voted on the acceptance of the recommendation for the sanctions with and amendment to add remedial ed to count 3 as follows: The Board imposed the following sanctions: **Count 1, 18 VAC 50-22-260(B)(8) No sanction be imposed for the violation of the regulation. Count 2: 18 VAC 50-22-260 (B) (6) no violation for this sanction. Count 3: 18 VAC 50-22-260(B) (6) \$500.00. Count 4: 18 VAC 50-22-260(B) (6) no sanction for this violation. Count 5: 18 VAC 50-22-260(B) (6) no sanction for this violation.** The motion failed with a no vote cast by Mr. Hollar. Upon a motion by Mrs. Wood seconded by Mr. Kirby the Board voted to impose the following sanctions: **Count 1, 2, 4 AND 5 no sanction for the violations. Count 3, \$500.00 and Mr. Jones must complete remedial education within six months of the date of the order. If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.** The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Ms. Wood, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Paulette, and Mr. Redifer.** The motion carried.

Incorporated

In the matter of File Number 2002-02827, N & C Corporation., t/a GBEN Contractors, Disciplinary Record File, the board reviewed the Record # 2002-02827, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Gerald Gordon for GBEN, Respondent did not appear at the Board meeting but he did attend the IFF. Mr William and Tonia Ciccone (Complainants) did not attend the IFF or the Board meeting. Mr. Neff was not present and did not vote. Upon a motion by Mr. Kirby, seconded by Ms. Wood, the board voted to accept the recommendation for the violations of the following sections of its 1999 and 2001 Regulations as follows: The Board finds clear and convincing evidence

**5 (33)
File
2002-02827
GBEN
Contractors**

that **Gerald Gordon** violated the following: **Count 1:** 18 VAC 50-22-260(B)(8)(Effective May 1, 1999), **Count 2:** 18VAC 50-22-260(B)(12)(Effective May 1, 1999), **Count 3** 18VAC 50-22-260(B)(12)(Effective May 1, 1999) **Count 4** 18VAC 50-22-260-(B)(6)(Effective September 1, 2001) **Count 5:** 18 VAC 50-22-260(B)(6) . The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Redifer, Mr. Hart, Ms. Wood and Mr. Paulette.** The motion carried. Upon a motion by **Mr. Hollar**, seconded by **Mr. Falwell** the board voted to accept the recommendation for the sanctions adding Remedial Education to all Counts as follows: The Board imposed the following sanctions: **Count 1:** 18 VAC 50-22-260(B)(8)(Effective May 1, 1999); **\$200.00** .**Count 2:** 18VAC 50-22-260(B)(12)(Effective May 1, 1999); **\$2,500.00** .**Count 3** 18VAC 50-22-260(B)(12)(Effective May 1, 1999); **\$2,500.00** **Count 4** 18VAC 50-22-260-(B)(6)(Effective September 1, 2001); **\$1,000.00.** **Count 5:** 18 VAC50-22-260(B) (6) no monetary penalty be imposed the for the violation of this penalty. Mr. Gerald Gordon must successfully complete Remedial education within six months of the date of this order or his license will be suspended. The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Redifer, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Kinser, Ms. Wood and Mr. Paulette.** The motion carried. **If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended.**

In the matter of File Number 2002-03528, Lawrence Fellenz Respondent t/a Ace Contracting Services, INC, Disciplinary Record File, the board reviewed the **Record # 2002-03528**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Lawrence and Francis Fellenz (Respondents) for Ace Contracting** appeared at the Board meeting and the IFF. Attorney Donald Coulter accompanied them to the Board meeting. They expressed their agreement and disagreement with the recommendation. Mr. Fellenz shared with the Board the he completed the work for the customer and ran their credit card for payment and it was declined several times and then Mr. Fellenz dug the dirt back up and when doing so he punched a small 3" hole in the pie. He offered to put things back in order if the customer would make payment for the work. Mr. And Mrs. Azam and Samis Khan (Complainants) attended the IFF. **Mr. Hart recused himself and did not vote.** Upon a motion by **Mr. Redifer to adopt Counts 1, 2 and 3 and no violation for Count 4 (the actions were not construction negligence)**, seconded by **Mr. Falwell**, the board voted to accept the recommendation for the violations of the following sections of its 2001 Regulations as follows: The Board finds clear and convincing evidence that **Mr. Fellenz violated the following: Count 1:**

5 (34)
File
2002-03528
Ace
Contracting
Services, Inc.

18 VAC50-22-260(B) (8). Count 2: 18 VAC 50-22-260(B) (9). Count 3: 18 VAC50-22-260(B) (6). Count 4: 18 VAC50-22-260(B) (5) with no violation. The motion passed with a unanimous vote. Members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Redifer and Ms. Wood. **Upon a motion by Mr. Redifer to adopt the sanctions for counts 1,2 and 3 with count 4 being no violation no sanction seconded by Mr. Paulette with a friendly amendment by Mr. Hollar to add Remedial Ed to Counts 1 and 2.** The board voted to adopt the following: **Count 1: 18 VAC50-22-260(B) (8) \$1,000.00 with Mr. Fellenz being required to successfully complete remedial ed within six months of the signing of the order. Count 2: 18 VAC 50-22-260(B) (9) \$500.00 with Mr. Fellenz being required to successfully complete remedial ed within six months of the effective date of the order. Count 3: 18 VAC50-22-260(B) (6) \$2,000.00 and successful completion on the Basic Contractor Licensing Class within six months of the effective date of the order. Count 4: 18 VAC50-22-260(B) (5) with a finding of no violation. If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended. The motion passed with a unanimous vote.** Members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Redifer and Ms. Wood. The motion carried.

In the matter of File Number 2003-03214, Gary Wayne Robinson application for Tradesman License, Licensing File, the board reviewed the **Record # 2004-03214**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Gary Wayne Robinson** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. **Mr. Neff** was not present did not vote. Upon a motion by **Mr. Paulette**, seconded by **Ms. Wood**, the board voted to accept the recommendation and approve **Gary Wayne Robinson's** application for a Tradesman license. The motion passed with a unanimous vote. Those members voting **"Yes"** were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Paulette, Mr. Kinser, Mr. Kirby, Ms Wood and Mr. Redifer. The motion was carried.

**5 (35)
File
2003-03214
Gary Wayne
Robinson**

In the matter of File Number 2003-00256, Georgetown Builders II Inc. f/k/a/ Creative Custom Homes I Inc. Disciplinary Record File, the board reviewed the **Record # 2003-00256**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Georgetown Builders II Inc. f/k/a/ Creative Custom Homes I Inc.** did not appear at the IFF nor did they attend the Board meeting in person with counsel nor by any other representative.

**5 (36)
File
2003-00256
Georgetown
Builders II
Inc. f/k/a/
Creative**

Ms. Anita C. Markle and Wilma A Short Complainants attended the IFF and the Board meeting. Ms. Markle shared her disagreement with counts 2 and 3 with the Board. She also wanted the Board to know that she felt investigator Janet Cramer did an excellent job. **Mr. Burch was absent and did not vote.** Upon a motion by **Mr. Hollar**, seconded by **Mr. Hart**, the board voted to accept the recommendation for the violations of the following sections of its September 1, 2001 Regulations as follows: The Board finds clear and convincing evidence that **Georgetown Builders II Inc. f/k/a/ Creative Custom Homes I Inc.** violated the following: **Count 1:** 18 VAC 50-22-260(B) (9). **Count 2:** 18VAC 50-22-260(B) (16). **Count 3** 18VAC 50-22-230(B) (Effective September 1, 2001). **Count 4** 18VAC 50-22-230-(B) (Effective September 1, 2001). **Count 5** 18 VAC 50-22-260(B) (13) (Effective September 1, 2001). **Count 6** 18 VAC 50-22-260(B) (1) (Effective September 1, 2001). The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Paulette, Mr. Redifer and Ms. Wood.** The motion carried. Upon a motion by **Mr. Kirby**, seconded by **Mr. Redifer** the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1:** 18 VAC 50-22-260(B)(9), **\$300.00.** **Count 2:** 18VAC 50-22-260(B) (15), from, **\$1,800.00 to \$2,500.00 maximum penalty and license revocation due to the flagrant violation.** **Count 3** 18VAC 50-22-260(16) from **\$1,690.00 to \$2,900.00 due to the flagrant violation.** **Count 4** 18VAC 50-22-230-(B) **\$380.00.** **Count 5** 18 VAC 50-22-260(B) (13); **\$800.00.** **Count 6** 18 VAC 50-22-260(B) (1) **\$885.00 and license revocation.** The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Hollar, Mr. Kirby, Mr. Paulette, Mr. Kinser, Mr. Hart, Mr. Redifer and Ms. Wood.** The motion carried. If the penalties are not paid in 60 days from the date of the order the license will be suspended.

**Custom
Homes I Inc.**

In the matter of File Number 2003-00179, William B Godfrey t/a All American Window Co., Disciplinary Record File, the board reviewed the **Record # 2003-00179**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **William B Godfrey did not appear at the IFF nor did he attend the Board meeting in person with counsel or by any other representative.** **Ms. Patricia Jolly, Complainant,** appeared at the IFF and the Board meeting. She expressed her agreement with the recommendation. **Mr. Orange was absent and did not vote.** Upon a motion by **Ms. Wood**, seconded by **Mr. Redifer**, the board voted to accept the recommendation for the violations of the following sections of its September 1, 2001 Regulations as follows: The Board finds clear and convincing evidence that **William B Godfrey** violated the following: **Count 1:** 18 VAC 50-

**5 (37)
File
2003-00179
William B
Godfrey t/a
All American
Window Co.**

22-230(A), **Count 2:** 18VAC 50-22-260(B)(9), **Count 3** 18VAC 50-22-260(B)(6); **Count 4** 18VAC 50-22-260-(B)(15); **Count 5** 18 VAC 50-22-260(B)(13). The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Redifer, Ms. Wood and Mr. Paulette.** The motion carried. Upon a motion by **Ms. Wood**, seconded by **Mr. Hollar** with a friendly amendment by **Mr. Paulette** for **Count 1** from **\$2,500 to \$1,000.00** to be consistent the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1:** 18 VAC 50-22-230(A), **\$1,000.00.** **Count 2:** 18VAC 50-22-260(B) (9), **\$1,000.00 to be waived if Mr. Godfrey successfully completes Remedial Education within six months of the date of the order.** **Count 3** 18VAC 50-22-260(B) (6) **\$1,500.00 and license revocation.** **Count 4** 18VAC 50-22-260(B) (15) **\$1,500.00 and license revocation.** **Count 5** 18 VAC 50-22-260(B) (13); **\$2,500.00 and license revocation.** The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Redifer, Ms. Wood and Mr. Paulette.** The motion carried. **If the penalties are not paid within sixty days of the date of the order then the license will be suspended.**

In the matter of File Number 2002-00596, Kenneth L Crandall t/a Crandall Enterprises, Disciplinary Record File, the board reviewed the **Record # 2002-00596**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Kenneth L Crandall did appear at the IFF and the Board meeting. He expressed his agreement and disagreement with the recommendation. Since this was his first offense he pleaded with the Board to lower his fines. Mr. Orange was absent and did not vote. Upon a motion by Mr. Redifer, seconded by Mr. Paulette, the board voted to accept the recommendation for the violations of the following sections of its May 1, 1999 Regulations as follows: The Board finds clear and convincing evidence that Kenneth L Crandall violated the following: Count 1:** 18 VAC 50-22-260(B)(8)(h), **Count 2:** 18VAC 50-22-260(6), **Count 3** 18VAC 50-22-260(B)(6). The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Redifer, Ms. Wood and Mr. Paulette.** The motion carried. Upon a motion by **Mr. Redifer**, seconded by **Mr. Kirby** the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1:** 18 VAC 50-22-260(B)(8)(h), **no monetary penalty but Mr. Crandall must complete Basic Contracting Licensing Class (remedial education) within six months of the entry of the order.** **Count 2:** 18VAC 50-22-260(B) (6), **reduced from \$2,500 to \$500. plus the completion of remedial ed.** **Count 3** 18VAC 50-22-260(B) (6) **reduced**

5 (38)
File
2002-00596
Crandall
Enterprises

from \$1,500. to \$1,000.00. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Redifer, Ms. Wood and Mr. Paulette. If the penalties are not paid within the sixty day period following the date of the order than the license will be suspended. The motion carried.

In the matter of File Number 2001-02388, Paul Comanduras (Respondent) t/a Countryside Developers, Ltd., Disciplinary Record File, the board reviewed the Record # 2001-02388, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Brian Lohr (Complainant) appeared at the IFF and the Board meeting. He expressed his agreement with the violations and his disagreement with the sanctions. Paul Comanduras (Respondent) attended the IFF and the Board meeting. He shared his agreement and disagreement with the recommendation. Of the 9 code violations the county cited he agreed to take care of 7 of them but the owner would never respond to allow him on the property to do so. Mr. Orange was absent and did not vote. Upon a motion by Mr. Paulette, seconded by Ms. Wood, the board voted to accept the recommendation for the violations of the following sections of its 1995, 1998 and 2001 Regulations as follows: The Board finds clear and convincing evidence that Countryside Developers, Ltd. violated the following: Count 1: 18 VAC 50-22-260(B)(8), Count 2: 18VAC 50-22-260(B)(6), Count 3 18VAC 50-22-260(B)(6); Count 4 18VAC 50-22-260-(B)(6), Count 5: 18 VAC 50-22-230(A), Count 6: 18 VAC50-22-260(B)(14). The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Redifer, Ms. Wood and Mr. Paulette. Mr. Falwell abstained. The motion carried. Upon a motion by Mr. Paulette, seconded by Mr. Redifer the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: Count 1: 18 VAC 50-22-260(B)(8), \$1,000.00 Count 2: 18VAC 50-22-260(B)(6), \$500.00 Count 3 18VAC 50-22-260(B)(18) \$1,000.00; Count 4 18VAC 50-22-260(B)(6) \$1,000.00. Count 5: 18 VAC50-22-230(A), reduced from \$2,500.00 to \$500.00 because it doesn't rise to the level of a \$2,500. penalty. Count 6: 18VAC50-22-260(B) (14) \$100.00. The motion passed with a unanimous vote. Those members voting "Yes" were: Ms. Wood, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Redifer and Mr. Paulette. Mr. Falwell abstained. The motion carried. If the monetary penalties are not paid within sixty days of the date of the order the license will be automatically suspended.

5 (39)
File
2001-02388
Countryside
Developers,
Ltd.

In the matter of File Number 2003-00136, Steven Rufus Williams t/a Williams Hauling, Disciplinary Record File, the board reviewed the **Record # 2003-00136**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Steven Rufus Williams (Respondent)** did not appear at the IFF but he did attend the Board meeting. **He expressed his disagreement with the recommendation.** **Ms. Sherrie Pucel (Correspondent)** did not appear at the IFF or the Board meeting. **Mr. Orange was absent and did not vote.** Upon a motion by **Mr. Paulette**, seconded by **Mr. Hart**, the board voted to accept the recommendation for the violations of the following sections of its September 1, 2001 Regulations as follows: The Board finds clear and convincing evidence that **Steven Rufus Williams** violated the following: **Count 1:** 18 VAC 50-22-260(B) (27), **Count 2:** 18VAC 50-22-260(27), **Count 3** 18VAC 50-22-260(B) (9). **Count 4:** 18 VAC 50-22-230(A). The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Redifer, Ms. Wood and Mr. Paulette.** The motion carried. Upon a motion by **Mr. Paulette**, seconded by **Mr. Kirby** the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1:** 18 VAC 50-22-260(B)(27), **\$1,500.00.** **Count 2:** 18VAC 50-22-260(B) (27), **\$1,500.00** **Count 3** 18VAC 50-22-260(B) (9) **\$1,500.00.** **Count 3:** 18VAC50-22-260(B) (9) **reduced from \$1,000.00 to \$300.00 and if Mr. Williams completes the Basic Contracting Licensing Class (remedial education) within six months of the entry of the order the fine will be waived.** **Count 4:** 18VAC50-22-230(A) **reduced from \$2,500. to \$500.00.** **If the penalties aren't paid within sixty days of the date of the order the license will be suspended.** **Mrs. Traylor noted a typo on Count 4 in the summary and the change was made indicating 18 VAC and not 28 VAC.** The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Redifer, Ms. Wood and Mr. Paulette.** The motion carried.

5 (40)
File
2003-00136
Williams
Hauling

In the matter of File Number 2002-03738, Harold L Johnson t/a L & L General Contractors, Inc., Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Harold L Johnson (Respondent)** attended the IFF meeting. **Steve Dalton** Attorney for L & L attended the Board meeting and he expressed their disagree with Count 1 and Count 2 of the recommendation. **Mr. & Mrs. Lawrence Broglio (Complainants)** attended the IFF but not the Board meeting. **Mr. Neff was absent and did not vote.** Upon a motion by **Mr. Redifer** and seconded by **Mr. Paulette** the Board recommended sending the case back for review by the staff. The regulations need to be revisited.

5 (41)
File
2002-03738
L & L
Contractors

The motion passed with a unanimous vote. Members voting "Yes" were: **Mr. Falwell, Mr. Hart, Mr. Redifer, Mr. Kirby, Mr. Kinser, Ms. Wood and Mr. Paulette.** The motion carried.

In the matter of File Number 2003-00293, Forrest W Hamilton, III t/a Hamilton Electric, Inc., Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Forrest W Hamilton, III (Respondent)** attended the IFF meeting. Sherry Netherland Attorney for Hamilton Electric attended the Board meeting and she expressed their agreement with the recommendation. **Mr. Burch was absent** and did not vote. Upon a motion by **Mr. Paulette** and seconded by **Mr. Kirby** the Board found clear and convincing evidence that Forrest W Hamilton, III violated its 2001 Regulations as follows: **Count 1: 18VAC50-22-260(B)(22).** The vote was unanimous. Members voting yes were: **Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Redifer, Mr. Kirby, Mr. Kinser, Ms. Wood and Mr. Paulette.** The motion carried. Upon a motion by **Mr. Paulette** seconded by **Mr. Redifer** the Board voted to adopt the recommendation of no monetary penalty being imposed. Seven members voted yes. Members voting "Yes" were: **Mr. Falwell, Mr. Hart, Mr. Redifer, Mr. Kirby, Mr. Kinser, Ms. Wood and Mr. Paulette.** The motion carried. **Mr. Hollar** opposed the non sanction.

**5 (41)
File
2003-00293
Hamilton
Electric, Inc.**

In the matter of File Number 2002-03631, Paul A Raines t/a Paul A Raines, Consent Order File, the board reviewed the file which consisted of the consent order #2003-0226. **Paul A Raines** appeared at the IFF. **Mr. Neff** was absent and did not vote. Upon a motion offered by **Mr. Redifer** seconded by **Mr. Paulette**, the Board ratified the Consent Order as follows: for **Count 1** for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(8); \$500.00. to be waived if **Mr. Raines** successfully completes Remedial Ed within six months of the date of the order. **Count 2: 18VAC50-22-260(B) (6)** of \$2,500.00 and license revocation hereby imposed. The Board waives, in part, imposition of the \$2,500.00 monetary penalty and license revocation if **Raines** returns to the subject property and fully completes the work which he agreed to do. A Form noting satisfaction needs to be sent to the Board, verifying work has been completed. The owner of the property will also be requested to provide a written statement to the Board that the work has been completed. If **Raines** provides such documentation to the Board, the monetary penalty for the violation of **Count 2** will be reduced to \$1,000.00. **Paul Raines** acknowledges that the penalty must be paid within thirty days of the order or his license will be suspended. The

**6 (43)
File
2002-03631
Paul A
Raines**

motion passed with a unanimous vote. Members voting were: Mr. Hart, Mr. Hollar, Mr. Redifer, Mr. Kinser, Ms. Wood, Mr. Paulette, Mr. Kirby and Mr. Redifer.

In the matter of File Number 2003-02799, Michael Lynch t/a Lynch Acoustical Ceilings, Licensing Record File application for a Class B License, Licensing File, the board reviewed the Record # 2003-02799, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Michael Lynch appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. Mr. Burch was not present did not vote. Upon a motion by Mr. Redifer, seconded by Mr. Hart, the board voted to accept the recommendation and approve Mr. Michael Lynch's application for a Class B license. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Paulette, Mr. Kinser, Mr. Kirby, Ms Wood and Mr. Redifer. The motion was carried

**5 (44)
File
2003-02799
Lynch
Acoustical
Ceilings**

The Board took a break from 12:45 to 12:55.

In the matter of File Number 2003-03659, Joseph E Baker t/a Baker Construction, Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Joseph E Baker did not appear before the board nor did he attend the IFF. Mr. Burch was not present did not vote. Upon a motion by Mr. Redifer, seconded by Mr. Hart, the board found clears and convincing evidence that Joseph E Baker violated its regulations as follows: **Count 1: 18VAC50-22-230(A) Effective September 1, 2001. The motion passed with a unanimous vote. Member's voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer. Upon a motion by Mr. Redifer seconded by Mr. Hollar the Board voted to adopt the recommendations adding remedial ed as follows: **Count 1: 18VAC50-22-230(A) : \$885.00 and Mr. Baker must complete successfully a remedial education class within six months of the entry of the order. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Paulette, Mr. Kinser, Mr. Kirby, Ms Wood and Mr. Redifer. The motion was carried. If the penalty is not paid within sixty days from the date of this order then Mr. Baker's license will be suspended.****

**5 (45)
File
2003-03659
Baker
Construction**

In the matter of File Number 2003-02802, Sean Francis McCoy Licensing Record File application for a Tradesman License, Licensing File, the board reviewed the Record # 2003-02802, which

**5 (46)
File
2003-02802**

consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Sean Francis McCoy** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. **Mr. Burch** was not present did not vote. Upon a motion by **Mr. Redifer**, seconded by **Mr. Kirby**, the board voted to accept the recommendation and approve **Mr. McCoy's** application for a Master's Electrician (Tradesman) license by examination. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer. The motion was carried.

**Sean Francis
McCoy**

In the matter of File Number 2003-02793, Bryan Walsh t/a Solar Connection, Licensing Record File application for a Class C License, Licensing File, the board reviewed the **Record # 2003-02793**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Bryan Walsh** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. **Mr. Burch** was not present did not vote. Upon a motion by **Mr. Hart**, seconded by **Ms. Wood**, the board voted to accept the recommendation and approve **Mr. Walsh's** application for a Class C license. Ms. Traylor informed the Board that the summary incorrectly stated Class B and should be Class C. The correction of the typographical error should be made and so reflected in the minutes and the summary. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Paulette, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood and Mr. Redifer. The motion was carried.

**5 (47)
File
2003-02793
Solar
Connection**

In the matter of File Number 2003-02794, Edgar G Lail Licensing Record File application for a Tradesman License, Licensing File, the board reviewed the **Record # 2003-02794**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Edgar G Lail** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. **Mr. Burch** was not present did not vote. Upon a motion by **Mr. Kirby**, seconded by **Mr. Redifer**, the board voted to accept the recommendation and approve **Mr. Lail's** application for a Class C license. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Paulette, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood and Mr. Redifer. The motion was carried.

**5 (48)
File
2003-02794
Lail's
Painting &
Contracting**

In the matter of File Number 2003-02132, Ricky D. Dean t/a D and D Construction, Disciplinary Record File the board reviewed the record

**5 (49)
File**

which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Ricky Dean did not** appear before the board nor did he attend the IFF. **Mr. Harris** was not present did not vote. Upon a motion by **Mr. Redifer**, seconded by **Mr. Kirby**, the board found clears and convincing evidence that Ricky Dean violated its regulations as follows: **Count 1: 18VAC50-22-260(B)(15) Effective September 1, 2001. Count 2: 18 VAC50-22-260(B) (16) Effective September 1, 2001. Count 3: 18VAC50-22-260(B) (12) Effective January 1, 2003. Count 4: 18VAC50-22-260(B) (13) Effective January 1, 2003.** The motion passed with a unanimous vote. Member's voting yes were: Mr. Falwell, Mr. Paulette, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood and Mr. Redifer. Upon a motion by **Mr. Redifer** seconded by **Mr. Kirby** the Board voted to adopt the sanctions for the recommendations: **Count 1: 18VAC50-22-260(B)(15) Effective September 1, 2001; \$1,500.00 and license revocation. Count 2: 18 VAC50-22-260(B) (16) Effective September 1, 2001; \$1,500.00 and license revocation. Count 3: 18VAC50-22-260(B) (12) Effective January 1, 2003; \$500.00. Count 4: 18VAC50-22-260(B) (13) Effective January 1, 2003; \$500.00.** The motion passed with a unanimous vote. Member's voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette Ms Wood and Mr. Redifer. The motion was carried. **If the penalty is not paid within sixty days from the date of this order then Mr. Dean's license will be suspended.**

2003-02132
D and D
Construction

In the matter of File Number 2003-02054, Ricky D. Dean t/a D and D Construction, Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Ricky Dean did not** appear before the board nor did he attend the IFF. **Mr. Harris** was not present did not vote. Upon a motion by **Mr. Redifer**, seconded by **Mr. Kirby**, the board found clears and convincing evidence that Ricky Dean violated its regulations as follows: **Count 1: 18VAC50-22-260(B)(15) effective September 1, 2001. Count 2: 18VAC50-22-260(B) (16) effective September 1, 2001. Count 3: 18VAC50-22-260(B) (8) effective September 1, 2001. Count 4: 18VAC50-22-260(B) (12) effective January 1, 2003. Count 5: 18VAC50-22-260(B) (13) effective January 1, 2003.** The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Paulette, Mr. Kinser, Mr. Kirby, Ms Wood and Mr. Redifer. Upon a motion by **Mr. Kirby** seconded by **Mr. Hart** the Board voted to adopt the recommendations for sanctions as follows: **Count 1: 18VAC50-22-260(B)(15) effective September 1, 2001; \$1,500. and license revocation. Count 2: 18VAC50-22-260(B)(16) effective September 1, 2001; \$1,500.00 and license revocation. Count 3: 18VAC50-22-260(B)(8) effective September 1,**

5 (50)
File
2003-02054
D and D
Construction

2001; \$300.00. Count 4: 18VAC50-22-260(B)(12) effective January 1, 2003; \$500.00. Count 5: 18VAC50-22-260(B) (13) effective January 1, 2003; \$500.00. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Paulette, Mr. Kirby, Ms Wood and Mr. Redifer. The motion was carried. If the penalty is not paid within sixty days from the date of this order then Mr. Dean's license will be suspended.

In the matter of File Number 2003-01905, Ricky D. Dean t/a D and D Construction, Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Ricky Dean did not appear before the board nor did he attend the IFF. Mr. Harris was not present and did not vote. Upon a motion by Mr. Redifer, seconded by Mr. Hart, the board found clears and convincing evidence that Ricky Dean violated its regulations as follows: Count 1: 18VAC50-22-260(B)(15) effective September 1, 2001. Count 2: 18VAC50-22-260(B) (16) effective September 1, 2001. Count 3: 18VAC50-22-260(B) (8) effective September 1, 2001. Count 4: 18VAC50-22-260(B) (6) effective September 1, 2001. Count 5: 18VAC50-22-260(B) (13) effective January 1, 2003. Count 6: 18VAC50-22-260(B) (12) Effective January 1, 2003. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer. Upon a motion by Mr. Redifer seconded by Mr. Kirby the Board voted to adopt the recommendations for sanctions with amendments as follows: Count 1: 18VAC50-22-260(B)(15) effective September 1, 2001; \$1,500. and license revocation. Count 2: 18VAC50-22-260(B) (16) effective September 1, 2001; increase fine from \$1,500.00 to \$2,500.00 due to the severity of the violation and license revocation. Count 3: 18VAC50-22-260(B) (8) effective September 1, 2001; \$300.00. Count 4: 18VAC50-22-260(B) (6) effective January 1, 2003; \$300.00. Count 5: 18VAC50-22-260(B) (13) effective January 1, 2003; \$500.00. Count 6: 18VAC50-22-260(B) (12) Effective January 1, 2003; \$500.00. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer. The motion was carried. If the penalty is not paid within sixty days from the date of this order then Mr. Dean's license will be suspended.

5 (51)
File
2003-01905
D and D
Construction

In the matter of File Number 2003-00429, Ricky D. Dean t/a D and D Construction, Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Ricky Dean did not appear before the board nor did he attend the IFF. Mr. Harris was not

5 (52)
File
2003-00429
D And D
Construction

present and did not vote. Upon a motion by **Ms. Wood**, seconded by **Mr. Kirby**, the board found clears and convincing evidence that **Ricky Dean** violated its regulations as follows: **Count 1: 18VAC50-22-260(B)(15) effective September 1, 2001. Count 2: 18VAC50-22-260(B) (16) effective September 1, 2001. Count 3: 18VAC50-22-260(B) (9) effective September 1, 2001. Count 4: 18VAC50-22-260(B) (27) effective September 1, 2001. Count 5: 18VAC50-22-260(B) (12) effective January 1, 2003.** The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Paulette, Mr. Kinser, Mr. Kirby, Ms Wood and Mr. Redifer. Upon a motion by **Ms. Wood** seconded by **Mr. Hart** the Board voted to adopt the recommendations for sanctions as follows: **Count 1: 18VAC50-22-260(B)(15) effective September 1, 2001; \$1,500. and license revocation. Count 2: 18VAC50-22-260(B) (16) effective September 1, 2001; \$1,500.00 and license revocation. Count 3: 18VAC50-22-260(B) (9) effective September 1, 2001; \$300.00. Count 4: 18VAC50-22-260(B) (27) effective September 1, 2001; \$1,000.00. Count 5: 18VAC50-22-260(B) (12) effective January 1, 2003; \$500.00.** The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer. The motion was carried. If the penalty is not paid within sixty days from the date of this order then **Mr. Dean's** license will be suspended.

In the matter of File Number 2001-02132, Michael W Broderick t/a M Broderick & Son Construction Company, Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Michael W Broderick** did not appear before the board nor did he or anyone on his behalf attend the IFF. **Mr. Neff** was not present and did not vote. Upon a motion by **Mr. Kirby**, seconded by **Mr. Redifer**, the board found clears and convincing evidence that **Michael Broderick** violated its regulations as follows: **Count 1: 18VAC50-22-260(B)(8) effective May 1, 1999. Count 2: 18VAC50-22-260(B) (6) effective May 1, 1999. Count 3: 18VAC50-22-260(B) (6) effective May 1, 1999.** The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, Ms Wood and Mr. Redifer. Upon a motion by **Mr. Redifer** seconded by **Mr. Kirby** the Board voted to adopt the recommendations for sanctions as follows: **Count 1: 18VAC50-22-260(B)(8) effective May 1, 1999; \$250. and license revocation. Count 2: 18VAC50-22-260(B) (6) effective May 1, 1999; \$450.00. Count 3: 18VAC50-22-260(B) (6) effective May 1, 2001; \$2,000.00 and license revocation.** The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer.

5 (53)
File
2001-02132
M Broderick
& Son
Construction
Company

The motion was carried. If the penalty is not paid within sixty days from the date of this order then **Mr. Broderick's** license will be suspended.

In the matter of File Number 2003-03212, Kelvin Maurice Mitchell, Sr. Licensing Record File application for a Tradesman License, Licensing File, the board reviewed the **Record # 2003-03212**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Kelvin Maurice Mitchell** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. **Mr. Neff** was not present and did not vote. Upon a motion by **Mr. Hart**, seconded by **Mr. Redifer**, the board voted to accept the recommendation and approve **Mr. Mitchell's** application for a Class C license with the stipulation that Mr. Mitchell enter into an Agreement for Licensure with Mitchell reporting quarterly to the Board for a period of two years. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Paulette, Mr. Kirby, Ms Wood and Mr. Redifer. The motion was carried.

**5 (54)
File
2003-03212
K M
Improve-
ments**

In the matter of File Number 2003-02499, Joseph Steven Mazingo, Jr. Licensing Record File application for a Tradesman License, Licensing File, the board reviewed the **Record # 2003-02499**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Joseph Steven Mazingo, Jr.** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. **Mr. Neff** was not present and did not vote. Upon a motion by **Mr. Redifer**, seconded by **Mr. Kirby**, the board voted to accept the recommendation and approve **Mr. Mazingo's** application for a Tradesman license. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Paulette, Mr. Kirby, Ms Wood and Mr. Redifer. The motion was carried.

**5 (55)
File
2003-02499
Joseph Steven
Mazingo, Jr.**

In the matter of File Number 2002-02096, Clifford F Carroll t/a Aire Care, Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Clifford F Carroll did not** appear before the board nor did he or anyone on his behalf attend the IFF. **Mr. Neff** was not present and did not vote. Upon a motion by **Mr. Kirby**, seconded by **Mr. Redifer**, the board found clears and convincing evidence that **Clifford F Carroll** violated its regulations as follows: **Count 1: 18VAC50-22-260(B)(14) effective March 1, 1995, amended July 15, 1998. Count 2: 18VAC50-22-260(B) (6) effective May 1, 1999.** The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and

**5 (56)
File
2002-02096
Aire Care**

Mr. Redifer. Upon a motion by **Mr. Kirby** seconded by **Mr. Redifer** the Board voted to adopt the recommendations for sanctions as follows: **Count 1: 18VAC50-22-260(B)(14) effective March 1, 1995, amended July 15, 1998; \$1,000.00 and license revocation. Count 2: 18VAC50-22-260(B) (6) effective May 1, 1999; \$1,000.00 and license revocation. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer. The motion was carried. If the penalty is not paid within sixty days from the date of this order then Mr. Carroll's license will be suspended.**

In the matter of File Number 2003-00246, Anthony Windland (Respondent) t/a Little General Construction, Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Anthony Windland** appeared at the board meeting and the IFF. **Mr. Orange** was not present and did not vote. Upon a motion by **Mr. Hart**, seconded by **Mr. Kirby**, the board found clear and convincing evidence that **Anthony Windland** violated its regulations as follows: **Count 1: 18VAC50-22-260(B)(15) effective September 1, 2001. Count 2: 18VAC50-22-260(B) (16) effective September 1, 2001. Count 3: 18VAC50-22-260(B) (6) effective September 1, 2001. Count 4: 18 VAC50-22-260(B) (9) effective September 1, 2001. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer. Upon a motion by Mr. Paulette seconded by Mr. Kirby the Board voted on adopting the recommendations for sanctions as follows: Count 1: 18VAC50-22-260(B)(15) effective September 1, 2001; \$500.00. Count 2: 18VAC50-22-260(B) (16) effective September 1, 2001; \$1,000.00. Count 3: 18 VAC 50-22-260(B) (6) effective September 1, 2001; \$500.00. Count 4: 18 VAC 50-22-260(B) (9); \$500.00. The motion failed with a vote of no by Mr. Kinser and Mr. Redifer. Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Paulette, Mr. Hollar, Mr. Kirby and Ms. Wood. The motion was failed. Mr. Redifer offered a motion seconded by Mr. Hart to adopt the sanction recommendations as follows: Count 1: \$500.00; Count 2: \$1,000.00; Count 3: reduce the penalty from \$500.00 to \$250.00 due to concerns over the seven month period of time that lapsed from Mr. Windland being kicked off the job to the date of the inspection. Count 4: \$500.00 penalty waived if Windland successfully completes the Board's Basic Contracting License Class within six months of the effective date of this order. If Windland fails to successfully complete the remedial ed within six months of the effective date of the order, then the monetary penalty will be automatically imposed. If the penalties are not paid within 60 days of the date of the**

5 (57)

File

2003-00246

**Little General
Construction**

order then the license will be automatically suspended. **The motion passed. The vote was unanimous. Members voting yes were:** Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Redifer, Mr. Paulette and Ms. Wood.

In the matter of File Number 2002-00658, Gul Tauheed (Respondent) t/a Smart Systems Installations, Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Gul Tauheed did not** appear at the board meeting or the IFF and he was not represented by anyone. **Mr. Neff** was not present and did not vote. Upon a motion by **Mr. Paulette**, seconded by **Mr. Redifer**, the board found clear and convincing evidence that **Anthony Windland** violated its regulations as follows: **Count 1: 18VAC50-22-210E effective May 1, 1999. Count 2: 18VAC50-22-230(A) effective May 1, 1999. Count 3: 18VAC50-22-260(B) (6) effective May 1, 1999. Count 4: 18 VAC50-22-260(B) (1), to wit: Section 54.1-1103 of the Code of Virginia effective May 1, 1999. Count 5: 18VAC 50-22-260(B) (8) effective May 1, 1999.** The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer. Upon a motion by **Mr. Redifer** seconded by **Mr. Kirby** the Board voted on adopting the recommendations for sanctions as follows: **Count 1: 18VAC50-22-210E effective May 1, 1999; \$350.00. Count 2: 18VAC50-22-230(A) effective May 1, 1999; \$250.00. Count 3: 18VAC50-22-260(B) (6) effective May 1, 1999; \$450.00. Count 4: 18 VAC50-22-260(B) (1), to wit: Section 54.1-1103 of the Code of Virginia effective May 1, 1999; \$1,000.00 and successful completion of remedial ed within six months of the order. Count 5: 18VAC 50-22-260(B) (8) effective May 1, 1999; \$100.00.** **The motion failed with a vote of no by Mr. Hollar. Members voting yes were:** Mr. Falwell, Mr. Hart, Mr. Paulette, Mr. Redifer, Mr. Kirby and Ms. Wood. The motion was failed. Mr. Hollar offered a motion seconded by Mr. Kirby to adopt the sanction recommendations as listed above adding "notification to the Department of Criminal Justice". If Tauheed fails to successfully complete the remedial ed within six months of the effective date of the order, then the license will be automatically suspended. If the penalties are not paid within 60 days of the date of the order then the license will be automatically suspended. **The motion passed. The vote was unanimous. Members voting yes were:** Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Redifer, Mr. Paulette and Ms. Wood.

**5 (58)
File
2002-00658
Smart
Systems
Installations**

In the matter of File Number 2002-00175, Melinda Williams t/a Williams Paving, Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. Melinda Williams (respondent) did not appear before the board nor did she attend the IFF. Mr. Neff was not present and did not vote. Upon a motion by Mr. Redifer, seconded by Mr. Kirby, the board found clear and convincing evidence that Melinda Williams violated its regulations as follows: Count 1: 18VAC50-22-260(B)(8) effective May 1, 1999. Count 2: 18VAC50-22-260(B) (6) effective May 1, 1999. Count 3: 18VAC50-22-260(B) (1) effective May 1, 1999. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Paulette, Mr. Kinser, Mr. Kirby, Ms Wood and Mr. Redifer. Upon a motion by Mr. Redifer seconded by Mr. Hart the Board voted to adopt the recommendations with the addition of Remedial Ed to all counts for sanctions as follows: Count 1: 18VAC50-22-260(B)(8) effective May 1, 1999; \$250.00 and completion of remedial ed. Count 2: 18VAC50-22-260(B) (6) effective May 1, 1999; \$1,500.00 and completion of remedial ed. Count 3: 18VAC50-22-260(B) (1) effective May 1, 1999; \$2,500.00 and completion of remedial ed. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer. The motion was carried. If the penalty is not paid within sixty days from the date of this order then Ms. Williams' license will be suspended. Remedial Ed must be successfully completed within six months of the signing of the order or Ms. Williams' license will be suspended.

5 (59)
File
2002-00175
Williams
Paving

In the matter of File Number 2002-02871, William B Godfrey t/a All American Window Co., Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. William Godfrey (Respondent) did not appear at the board meeting or the IFF and he was not represented by anyone. Mr. Vick (Complainant) did not appear at the Board meeting or the IFF. Mr. Orange was not present and did not vote. Upon a motion by Mr. Redifer, seconded by Mr. Kirby, the board found clear and convincing evidence that William B Godfrey violated its regulations as follows: Count 1: 18VAC50-22-260(B)(9) effective September 1, 2001. Count 2: 18VAC50-22-230(A) effective September 1, 2001. Count 3: 18VAC50-22-230(B) effective September 1, 2001. Count 4: 18 VAC50-22-260(B) (15) effective September 1, 2001. Count 5: 18VAC 50-22-260(B) (13) effective September 1, 2001. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer. Upon a motion by Mr. Redifer seconded by Mr. Hart the Board voted on adopting the

5 (60)
File
2002-02871
William B.
Godfrey

recommendations with amendments for sanctions as follows: **Count 1: 18VAC50-22-260(B)(9) effective September 1, 2001; \$1,000.00. The Board waives the imposition of the \$1,000.00 monetary penalty if Mr. Godfrey successfully completes remedial education by attending the Board's Basic Contracting License class and passing the examination. If Godfrey fails to successfully complete remedial ed within six months of the effective date of this order, then the monetary penalty will be automatically imposed. Count 2: 18VAC50-22-230(A) effective September 1, 2001; reduced from \$2,500.00 to \$500.00 because the penalty recommended was too steep. Count 3: 18VAC50-22-230(B) effective September 1, 2001; \$250.00. Count 4: 18 VAC50-22-260(B) (15), effective September 1, 2001; \$1,500.00 and license revocation. Count 5: 18VAC 50-22-260(B) (13) effective September 1, 2001; \$2,500.00.** If the penalty is not paid within sixty days from the date of this order then **Mr. Godfrey's** license will be suspended. Remedial Ed must be successfully completed within six months of the signing of the order or **Mr. Godfrey's** license will be suspended. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer.

In the matter of File Number 2002-02731, Joseph M Clotzman (Respondent), Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Joseph M Clotzman (Respondent) and his attorney, Benjamin M Butler** appeared at the IFF but not the board meeting. **Mr. Orange** was not present and did not vote. Upon a motion by **Mr. Redifer**, seconded by **Mr. Hart**, the board found clear and convincing evidence that **Joseph M Clotzman** violated its regulations as follows: **Count 1: 18VAC50-22-230(A) effective May 1, 1999.** The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer. Upon a motion by **Mr. Paulette** seconded by **Mr. Hart** with a friendly amendment by **Mr. Redifer** the Board voted to adopt the recommendation with an amendment to be consistent and increase the fine and add Remedial Ed for sanctions as follows: **Count 1: 18VAC50-22-230(A) effective May 1, 1999; from \$100.00 to \$350.00 and successful completion of Remedial Ed within six months of the signing of the order or the Board will automatically suspend Mr. Clotzman's license. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer. The motion was carried. If the penalty is not paid within sixty days from the date of this order then Mr. Clotzman's license will be suspended.**

5 (61)
File
2002-02731
Joseph M
Clotzman

In the matter of File Number 2003-000544, David G Moore, Jr., t/a Moore's Home Improvement Contractors, Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. David G Moore, Jr. (Respondent) did not appear at the board meeting or the IFF and he was not represented by anyone. Mr. & Mrs. James Wagoner (Complainant) appeared at the IFF but did not appear at the Board meeting. Mr. Orange was not present and did not vote. Upon a motion by Mr. Kirby, seconded by Mr. Redifer, the board found clear and convincing evidence that David G Moore, Jr. violated its regulations as follows: Count 1: 18VAC50-22-260(B) (31) effective September 1, 2001. Count 2: 18VAC50-22-260(B) effective September 1, 2001. Count 3: 18VAC50-22-230(B) effective September 1, 2001. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer. Upon a motion by Mr. Redifer seconded by Mr. Hart the Board voted on adopting the recommendations with amendments for sanctions as follows: Count 1: 18VAC50-22-260(B)(31) effective September 1, 2001; the \$2,500.00. penalty will be modified to \$500.00 to be consistent with the Board's actions. Count 2: 18VAC50-22-260(B) effective September 1, 2001; \$2,500.00 and license revocation. Count 3: 18VAC50-22-230(B) effective September 1, 2001; \$250.00. If the penalty is not paid within sixty days from the date of this order then Mr. Moore's license will be suspended. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer.**

**5 (62)
FILE
2003-00544
David G
Moore, Jr.**

In the matter of File Number 2003-00540, Michael E Schwendeman t/a, Schwendeman Siding Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Michael E Schwendeman (Respondent) did not appear at the board meeting or the IFF and he was not represented by anyone. Mr. Sean Doody (Complainant) did not appear at the IFF or the Board meeting. Mr. Orange was not present and did not vote. Upon a motion by Mr. Paulette, seconded by Mr. Kirby, the board found clear and convincing evidence that Michael E Schwendeman violated its regulations as follows: Count 1: 18VAC 50-22-260(B)(15) effective September 1, 2001. Count 2: 18VAC 50-22-260(B) (16) effective September 1, 2001. Count 3: 18VAC 50-22-230(B) effective September 1, 2001. Count 4: 18VAC 50-22-260(B) (9) effective September 1, 2001. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr.**

**5 (63)
File
2003-00540
Michael E
Schwende-
man**

Redifer. Upon a motion by Mr. Paulette seconded by Mr. Hart the Board voted on adopting the recommendations for sanctions as follows: **Count 1: 18VAC50-22-260(B)(15) effective September 1, 2001; \$2,500.00. and license revocation. Count 2: 18VAC50-22-260(B) (16) effective September 1, 2001; \$2,500.00 and license revocation. Count 3: 18VAC50-22-230(B) effective September 1, 2001; \$250.00. Count 4: 18 VAC 50-22-260(B) (9) effective September 1, 2001; for two counts; \$500.00 for each count equals &1,000.00 penalty. The Board waives the imposition of the \$1,000.00 monetary penalty for Count 4 provided Schwendeman successfully completes remedial education within six months of the effective date of the order, if he fails then the monetary penalty will be imposed. If the penalty is not paid within sixty days from the date of this order then Mr. Schwendeman's license will be suspended. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer.**

In the matter of File Number 2003-00534, William B Godfrey t/a, All American Window Co. Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. William B Godfrey (Respondent) did not appear at the board meeting or the IFF and he was not represented by anyone. Mr. Glenn T Devol (Complainant) did not appear at the IFF or the Board meeting. Mr. Orange was not present and did not vote. Upon a motion by Mr. Paulette, seconded by Mr. Hollar, the board found clear and convincing evidence that William B Godfrey violated its regulations as follows: Count 1: 18VAC 50-22-260(B)(9) effective September 1, 2001. Count 2: 18VAC 50-22-260(B) (15) effective September 1, 2001. Count 3: 18VAC 50-22-230(B) (13) effective September 1, 2001. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer. Upon a motion by Mr. Paulette seconded by Mr. Hart the Board voted on adopting the recommendations for sanctions as follows: Count 1: 18VAC50-22-260(B) (9) effective September 1, 2001; \$1,000.00. The Board waives the imposition of the \$1,000.00 monetary penalty for Count 1 provided Godfrey successfully completes remedial education within six months of the effective date of the order, if he fails then the monetary penalty will be imposed. Count 2: 18VAC50-22-260(B) (15) effective September 1, 2001; \$2,500.00 and license revocation. Count 3: 18VAC50-22-260(B) (13) effective September 1, 2001; \$2,500.00 and license revocation. If the penalty is not paid within sixty days from the date of this order then Mr. Godfrey's license will be suspended. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr.

**5 (64)
File
2003-00534
William B
Godfrey**

Redifer.

In the matter of File Number 2003-00444, Vincent P Davis t/a, Schwendeman Siding Disciplinary Record File the board reviewed the record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Vincent P Davis (Respondent) did not appear at the board meeting or the IFF and he was not represented by anyone. Mr. Ron Morris (Complainant) did appear at the IFF but not the Board meeting. Mr. Orange was not present and did not vote. Upon a motion by Ms. Wood, seconded by Mr. Paulette, the board found clear and convincing evidence that Vincent P Davis violated its regulations as follows: Count 1: 18VAC 50-22-230(A) effective September 1, 2001. Count 2: 18VAC 50-22-260(B) (15) effective September 1, 2001. Count 3: 18VAC 50-22-260(B) (16) effective September 1, 2001. Count 4: 18VAC 50-22-260(B) (31) effective September 1, 2001. Count 5: 18 VAC 50-22-260(b) (9) effective September 1, 2001. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer. Upon a motion by Ms. Wood with a friendly amendment by Mr. Paulette seconded by Mr. Hart the Board voted on adopting the recommendations for sanctions as follows: Count 1: 18VAC50-22-230(A) effective September 1, 2001; reduce penalty from \$2,500.00 and license revocation to \$500.00 and completion of Remedial Education. Count 2: 18VAC50-22-260(B) (15) effective September 1, 2001; reduce penalty from \$2,500.00 and license revocation to \$500.00 and remedial education. Count 3: 18VAC50-22-260(B) (16) effective September 1, 2001; reduce penalty from \$2,500.00 and license revocation to \$500.00 and completion of Remedial Education. Count 4: 18 VAC 50-22-260(B) (31) effective September 1, 2001; \$1,000.00 penalty. Count 5: 18 VAC 50-22-260(B) (9): effective September 1, 2001: \$1,000.00 and remedial Ed. The Board waives the imposition of the \$1,000.00 monetary penalty for Count 5 provided Davis successfully completes remedial education within six months of the effective date of the order, if he fails then the monetary penalty will be imposed. If the penalty is not paid within sixty days from the date of this order then Mr. Davis' license will be suspended. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer.

**5 (65)
File
2003-00444
Vincent P
Davis**

In the matter of File Number 2003-00026, Robert Barnett t/a, Handyman Services, Disciplinary Record File the board reviewed the

**5 (66)
File**

record which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Robert Barnett (Respondent)** did not appear at the board meeting or the IFF and he was not represented by anyone. **Mr. Frederick Holtz (Complainant)** did appear at the IFF but not the Board meeting. **Mr. Orange** was not present and did not vote. Upon a motion by **Mr. Redifer**, seconded by **Mr. Kirby**, the board found clear and convincing evidence that **Robert Barnett** violated its regulations as follows: Count 1: 18VAC 50-22-230(A) effective September 1, 2001. Count 2: 18VAC 50-22-260(B) (1) effective September 1, 2001. Count 3: 18VAC 50-22-260(B) (9) effective September 1, 2001. Count 4: 18VAC 50-22-260(B) (6) effective September 1, 2001. Count 5: 18 VAC 50-22-260(B) (15) effective September 1, 2001. Count 6: 18 VAC 50-22-260(B) (16) effective September 1, 2001. Count 7: 18 VAC 50-22-260(B) (13) effective September 1, 2001. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer. Upon a motion by **Mr. Redifer** seconded by **Mr. Hart** the Board voted on adopting the recommendations with amendments for sanctions as follows: Count 1: 18 VAC 50-22-230(A) effective September 1, 2001; reduce penalty from \$2,500.00. Count 2: 18 VAC 50-22-260(B) (1) effective September 1, 2001; \$1,000.00. Count 3: 18 VAC 50-22-260(B) (9) effective September 1, 2001; reduce the penalty from \$1,000.00 to \$500.00 (to remain consistent) and completion of Remedial Education. The Board waives the imposition of the \$500.00 monetary penalty for Count 3 provided Barnett successfully completes remedial education within six months of the effective date of the order, if he fails then the monetary penalty will be imposed. Count 4: 18 VAC 50-22-260(B) (6) effective September 1, 2001; \$1,000.00 penalty. Count 5: 18 VAC 50-22-260(B) (15): effective September 1, 2001; \$2,500.00 and license revocation: Count 6: 18 VAC 50-22-260 (B) (16): effective September 1, 2001; \$2,500.00 and license revocation. Count 7: 18 VAC 50-22-260(B) (13) effective September 1, 2001. \$2,500.00 and license revocation. If Barnett fails to successfully complete remedial education within six months of the effective date of the order his license will be automatically suspended. If the penalty is not paid within sixty days from the date of this order then **Mr. Barnett's** license will be suspended. The vote was unanimous: Members voting yes were: Mr. Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms Wood, Mr. Paulette and Mr. Redifer.

Mr. Falwell left the meeting at 12:40 PM.

In the matter of File Number 2002-03058, W Wayne Booze 5 (67)

2003-00026
Robert
Barnett

(Respondent) t/a, Designline Remodelers, Inc., Disciplinary Record
File the board was unable to hear the case due to a lack of quorum so the case will be continued to the October 8, 2003 Board meeting.

File
2002-03058
Designline
Remodlers,
Inc.

In the matter of File Number 2001-03378, Russell M Armes Inc., Consent Order File, the board reviewed the file which consisted of the consent order #2003-0151. Russell M Armes Inc did appear at the IFF but did not attend the Board meeting. Mr. Burch was not present and did not vote. Upon a motion offered by Mr. Redifer seconded by Mr. Kirby, the Board ratified the Consent Order as follows: for Count 1 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(8); \$300.00 and successful completion of Remedial Ed within six months of the signing of the order or Mr. Armes license will be suspended. Count 2: 1999 Regulation 18 VAC 50-22-210(3); \$500.00 penalty. Count 3: 1999 Regulation 18 VAC 50-22-260(B) (6); \$500.00 penalty. Count 4: 1999 Regulation 18 VAC 50-22-260(B) (23); \$500.00 penalty. Count 5: 1999 Regulation 18 VAC 50-22-260(B) (12); \$500.00 penalty; for a total of \$2,300.00 hereby imposed. Russell M Armes Inc acknowledges that the penalty must be paid within thirty days of the order or Russell M Armes Inc license will be suspended. The motion passed with a unanimous vote. Members voting were: Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

6 (1)
File
2001-03378
Russell M
Armes Inc.

In the matter of File Number 2002-00179, Randy R Barber, Consent Order File, the board reviewed the file which consisted of the consent order #2003-0150. Randy R Barber entered into a pre IFF Consent Order. Upon a motion offered by Mr. Redifer seconded by Mr. Kirby, the Board ratified the Consent Order as follows: for Count 1 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(14); \$250.00 penalty and successful completion of Remedial Ed within six months of the signing of the order or Mr. Barber's license will be suspended. Count 2: 1999 Regulation 18 VAC 50-22-260(B) (15); \$500.00 penalty. Count 3: 1999 Regulation 18 VAC 50-22-260(B) (1), to wit: 18 VAC 50-22-50(B); \$100.00 penalty. Count 4: 2001 Regulation 18 VAC 50-22-260(B) (1) to wit: 18 VAC 50-22-50(C); \$100.00 penalty for a total of \$950.00 hereby imposed. Randy R Barber acknowledges that the penalty must be paid within thirty days of the order or Randy R Barber license will be suspended. The motion passed with a unanimous vote. Members voting were: Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

6 (2)
File
2002-00179
Randy R
Barber

In the matter of File Number 2002-01658, Fred Landry, President Appliance Warehouse Inc, Consent Order File, the board reviewed the file which consisted of the consent order #2003-0204. Fred Landry entered into a pre IFF Consent Order. Upon a motion offered by Mr. Redifer seconded by Mr. Kirby, the Board ratified the Consent Order as follows: for Count 1 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(23); \$500.00 penalty. Fred Landry acknowledges that the penalty must be paid within thirty days of the order or Appliance Warehouse Inc's license will be suspended. The motion passed with a unanimous vote. Members voting were: Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

**6 (3)
File
2003-00553
Appliance
Warehouse
Inc**

In the matter of File Number 2002-02256, Newhouse Builders Inc. t/a Newhouse Builders, Inc. Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0186. Nelson Newhouse of Newhouse Builders, Inc. appeared at the IFF. Ms. Parrish was not present and did not vote. Upon a motion by Mr. Redifer seconded by Mr. Kirby the Board ratified the Consent order as follows: for Count I, a monetary penalty of \$500.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(23). The successful completion of remedial education must occur within six months of the effective date of the Consent Order or Newhouse Builders Inc.'s license will be suspended. Newhouse Builders Inc. acknowledges that the penalty must be paid within thirty days of the order or Newhouse Builders, Inc.'s license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

**6 (4)
File
2002-02256
Newhouse
Builders Inc.**

In the matter of File Number 2002-02484, Ralph J Harker, President of K & K Contractors Inc t/a K & K Contractors Inc Consent Order File, the board reviewed the record, which consisted of the Consent Order # 2004-0004. Ralph J Harker of K & K Contractors Inc. entered into a pre IFF Consent Order. Upon a motion by Mr. Redifer seconded by Mr. Kirby the Board ratified the Consent order as follows: for Count 1, no monetary penalty for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(22); Count 2, an agreed monetary penalty of \$2,500.00 for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(23); Count 3, a monetary penalty of \$250.00 for violation of the Board's 2001 Regulation 18 VAC 50-22-220(A); for a total of

**6 (5)
File
2002-02484
K & K
Contractors
Inc**

\$3,000.00. K & K Contractors Inc. acknowledges that the penalty must be paid within thirty days of the order or **K & K Contractors Inc.s'** license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

In the matter of File Number 2002-02583, James Raymond Yarkey, t/a County Home Renovations Consent Order File, the board reviewed the record, which consisted of the Consent Order # 2003-0187 **James Raymond Yarkey of County Home Renovations entered into a pre IFF Consent Order.** Upon a motion by Mr. Redifer seconded by Mr. Kirby the Board ratified the Consent order as follows: for Count 1, a monetary penalty of \$250.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(1); Count 2, a monetary penalty of \$100.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(8); Count 3, a monetary penalty of \$250.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-220(B)(6); for a total of \$600.00. **County Home Renovations** acknowledges that the penalty must be paid within thirty days of the order or **County Home Renovations'** license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

6 (6)
File
2002-02583
James
Raymond
Yarkey

In the matter of File Number 2002-02652, Guirkin Plumbing Heating and A/C Co. LLC, t/a Guirkin Plumbing Heating and A/C Co. LLC Consent Order File, the board reviewed the record, which consisted of the Consent Order # 2003-0208 **Thomas Guirkin, owner of Guirkin Plumbing Heating and A/C Co. LLC entered into a pre IFF Consent Order.** Upon a motion by Mr. Redifer seconded by Mr. Kirby the Board ratified the Consent order as follows: for Count 1, a monetary penalty of \$750.00 and mandatory successful completion of the Board's Remedial Ed class within six months of the signing of the order or **Guirkin's Plumbing Heating and A/C Co. LLC.** for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B) (18) for a total of \$750.00 and Remedial Education. **Guirkin Plumbing Heating and A/C Co. LLC** acknowledges that the penalty must be paid within thirty days of the order or **Guirkin Plumbing Heating and A/C Co. LLC's** license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

6 (7)
File
2002-02652
Guirkin
Plumbing
Heating and
A/C Co. LLC

In the matter of File Number 2002-03020, Joseph M Ditmer, Sr. t/a Lynchburg Exterior Improvements Consent Order File, the board

6 (8)
File

reviewed the record, which consisted of the Consent Order # 2003-0141 **Joseph M Ditmer, Sr., owner of Lynchburg Exterior Improvement entered into a pre IFF Consent Order.** Upon a motion by **Mr. Redifer** seconded by **Mr. Kirby** the Board ratified the Consent order as follows: for **Count 1, a monetary penalty of \$250.00 for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(27).** **Count 2, a monetary penalty of \$250.00 for violation of the Board's 2001 Regulation 18 VAC 50-22-260 (B) (6).** **Count 3, a monetary penalty of \$500.00 and remedial education for violation of the Board's 2001 Regulation for a total of \$1,000.00 and Remedial Education.** **Joseph M Ditmer acknowledges that the penalty must be paid within thirty days of the order or Lynchburg Exterior Improvements' license will be suspended. Joseph M Ditmer must successfully complete of the Board's Remedial Ed class within six months of the signing of the order or Lynchburg Exterior Improvements license will be suspended.** The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

2002-03020
Joseph M
Ditmer, Sr.

In the matter of File Number 2002-03020, David William Orefice t/a Orefice Plumbing CO Consent Order File, the board reviewed the record, which consisted of the Consent Order # 2003-0201 **David William Orefice, owner of Orefice Plumbing CO entered into a pre IFF Consent Order.** Upon a motion by **Mr. Redifer** seconded by **Mr. Kirby** the Board ratified the Consent order as follows: for **Count 1, a monetary penalty of \$100.00 for violation of the Board's 2001 Regulation 18 VAC 50-22-230(A).** **Count 2, a monetary penalty of \$100.00 for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B) (27).** **Count 3, a monetary penalty of \$250.00 and remedial education for violation of the Board's 2001 Regulation for a total of \$450.00 and Remedial Education.** **David William Orefice acknowledges that the penalty must be paid within thirty days of the order or Orefice Plumbing Co's license will be suspended. David William Orefice must successfully complete of the Board's Remedial Ed class within six months of the signing of the order or Orefice Plumbing CO's license will be suspended.** The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

6 (10)
File
2003-00121
David
William
Orefice

In the matter of File Number 2003-00157, Jack D Sniders t/a Sniders Roofing And Repair Consent Order File, the board reviewed the record, which consisted of the Consent Order # 2003-0184 **Jack D Sniders of Sniders Roofing And Repair entered into a pre IFF Consent Order.** Upon a motion by **Mr. Redifer** seconded by **Mr. Kirby** the Board

6 (11)
File
2003-00157
Jack D
Sniders

ratified the Consent order as follows: for **Count 1**, a monetary penalty of **\$100.00 and Remedial Ed** for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(8). **Count 2**, a monetary penalty of **\$200.00** for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B) (6). **Count 3**, a monetary penalty of **\$200.00** for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B) (21) for a total of **\$500.00 and Remedial Education**. **Jack D Sniders** acknowledges that the penalty must be paid within thirty days of the order or **Sniders Roofing And Repair** license will be suspended. **Jack D Sniders** must successfully complete of the Board's Remedial Ed class within six months of the signing of the order or **Sniders Roofing And Repair** license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

In the matter of File Number 2003-00585, **Chris Henkel**, owner t/a **Prestidge Contracting Llc** Consent Order File, the board reviewed the record, which consisted of the Consent Order # 2003-0189 **Chris Henkel** of **Prestidge Contracting Llc** entered into a pre IFF Consent Order. Upon a motion by **Mr. Redifer** seconded by **Mr. Kirby** the Board ratified the Consent order as follows: for **Count 1**, a monetary penalty of **\$2,500.00** for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(5). **Count 2**, a monetary penalty of **\$500.00** for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B) (29). **Count 3**, a monetary penalty of **\$250.00 and remedial ed** for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B) (9) for a total of **\$3,250.00 and Remedial Education**. **Chris Henkel** acknowledges that the penalty must be paid within thirty days of the order or **Prestidge Contracting Llc's** license will be suspended. **Chris Henkel** must successfully complete the Board's Remedial Ed class within six months of the signing of the order or **Prestidge Contracting Llc's** license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

5 (12)
File
2003-00585
Prestidge
Contracting
Llc

In the matter of File Number 2003-00722, **Jeffery S Moore** t/a **Jeff Moore Lawn Service** Consent Order File, the board reviewed the record, which consisted of the Consent Order # 2003-0202 **Jeffery S Moore** of **Jeff Moore Lawn Service** entered into a pre IFF Consent Order. Upon a motion by **Mr. Redifer** seconded by **Mr. Kirby** the Board ratified the Consent order as follows: for **Count 1**, a monetary penalty of **\$250.00 and remedial ed** for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(8). **Count 2**, a monetary penalty of **\$500.00** for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B) (23)

5 (13)
File
2003-00722
Moore Lawn
Service

for a total of \$750.00 and Remedial Education. Jeffery S Moore acknowledges that the penalty must be paid within thirty days of the order or Jeff Moore Lawn Service's license will be suspended. Jeffery S Moore must successfully complete the Board's Remedial Ed class within six months of the signing of the order or Jeff Moore Lawn Service's license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

In the matter of File Number 2003-00816, Wayne Harrell, secretary-treasurer t/a Leonard Aluminum Utility Building Inc. Consent Order File, the board reviewed the record, which consisted of the Consent Order # 2003-0200 Wayne Harrell of Leonard Aluminum Utility Building Inc entered into a pre IFF Consent Order. Upon a motion by Mr. Redifer seconded by Mr. Kirby the Board ratified the Consent order as follows: for Count 1, a monetary penalty of \$100.00 for violation of the Board's 2001 Regulation 18 VAC 50-22-230(A). Count 2, a monetary penalty of \$500.00 and remedial ed for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B) (9). Count 3, a monetary penalty of \$250.00 for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B) (21). Count 4, a monetary penalty of \$250.00 for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B) (21) for a total of \$850.00 and Remedial Education. Wayne Harrell acknowledges that the penalty must be paid within thirty days of the order or Leonard Aluminum Utility Building Inc.'s license will be suspended. Wayne Harrell must successfully complete the Board's Remedial Ed class within six months of the signing of the order or Leonard Aluminum Utility Building Inc.'s license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

5 (14)
File
2003-00816
Leonard
Aluminum
Utility
Building Inc

In the matter of File Number 2003-01652, Cedric M Stovall Design & Construction Inc. t/a Cedric M Stovall Design & Construction Inc. Consent Order File, the board reviewed the record, which consisted of the Consent Order # 2003-0224 Cedric Stovall of Cedric M Stovall Design & Construction Inc. entered into a pre IFF Consent Order. Upon a motion by Mr. Redifer seconded by Mr. Kirby the Board ratified the Consent order as follows: for Count 1, a monetary penalty of \$250.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(6). Count 2, a monetary penalty of \$250.00 and remedial ed for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B) (8). Count 3, a monetary penalty of \$250.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B) (13) for a total of \$750.00 and

5 (15)
File
2003-01652
Cedric M
Stovall
Design &
Construction
Inc

Remedial Education. Cedric Stovall acknowledges that the penalty must be paid within thirty days of the order or Cedric M Stovall Design & Construction Inc.'s license will be suspended. Cedric M Stovall must successfully complete the Board's Remedial Ed class within six months of the signing of the order or Cedric M Stovall Design & Construction Inc.'s license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

In the matter of File Number 2003-01789, Mark A Modrzynski t/a Stars & Stripes Construction Consent Order File, the board reviewed the record, which consisted of the Consent Order # 2003-0009 Mark A Modrzynski of Stars & Stripes Construction entered into a pre IFF Consent Order. Upon a motion by Mr. Redifer seconded by Mr. Kirby the Board ratified the Consent order as follows: for Count 1, no monetary penalty is hereby imposed for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(22). In addition, Modrzynski agrees to a one (1) year suspension of his license as of the effective date of this Order. The one (1) year suspension will be stayed provided Modrzynski: (1) Complies with the rules and regulations of the Board for Contractors for a period of one year from the effective date of this order, and (2) Is not convicted in any state or city of any felony, misdemeanor, or federal, state or local ordinance for a period of one (1) year from the effective date of this Order. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

5(16)
File
2003-01789
Stars &
Stripes
Construction

In the matter of File Number 2003-00825, Cedric M Stovall Design & Construction Inc. t/a Cedric M Stovall Design & Construction Inc. Consent Order File, the board reviewed the record, which consisted of the Consent Order # 2003-0225 Cedric Stovall of Cedric M Stovall Design & Construction Inc. entered into a pre IFF Consent Order. Upon a motion by Mr. Redifer seconded by Mr. Kirby the Board ratified the Consent order as follows: for Count 1, a monetary penalty of \$100.00 and remedial ed for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(8) for a total of \$100.00 and Remedial Education. Cedric Stovall acknowledges that the penalty must be paid within thirty days of the order or Cedric M Stovall Design & Construction Inc.'s license will be suspended. Cedric M Stovall must successfully complete the Board's Remedial Ed class within six months of the signing of the order or Cedric M Stovall Design & Construction Inc.'s license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer,

5 (17)
File
2003-00825
Cedric M
Stovall
Design &
Construction
Inc

Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

In the matter of File Number 2003-01844, Richard S Chapman, Jr. t/a Carroll Plumbing & Heating Inc Consent Order File, the board reviewed the record, which consisted of the Consent Order # 2003-0015 Richard S Chapman, Jr. of Carroll Plumbing & Heating Inc. entered into a pre IFF Consent Order. Upon a motion by Mr. Redifer seconded by Mr. Kirby the Board ratified the Consent order as follows: for Count 1, a monetary penalty of \$300.00 and remedial ed for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(19) for a total of \$300.00 and Remedial Education. Richard S Chapman, Jr. acknowledges that the penalty must be paid within thirty days of the order or Carroll Plumbing & Heating Inc.'s license will be suspended. Richard S Chapman must successfully complete the Board's Remedial Ed class within six months of the signing of the order or Carroll Plumbing & Heating Inc.'s license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

**5 (18)
File
2003-01844
Carroll
Plumbing &
Heating Inc**

In the matter of File Number 2003-01927, Lester E Long, Sr. t/a G & L Mechanical Inc. Consent Order File, the board reviewed the record, which consisted of the Consent Order # 2003-0190 Lester E Long, Sr. of G & L Mechanical Inc. entered into a pre IFF Consent Order. Upon a motion by Mr. Redifer seconded by Mr. Kirby the Board ratified the Consent order as follows: for Count 1, a monetary penalty of \$100.00 and remedial ed for violation of the Board's 2001 Regulation 18 VAC 50-22-230(A). Count 2, \$100.00 for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B) (9). Count 3, \$200.00 for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B) (9) for a total of \$400.00 and Remedial Education. Lester E Long, Sr. acknowledges that the penalty must be paid within thirty days of the order or G & L Mechanical Inc.'s license will be suspended. Lester E Long, Sr. must successfully complete the Board's Remedial Ed class within six months of the signing of the order or G & L Mechanical Inc.'s license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

**5 (19)
File
2003-01927
G & L
Mechanical
Inc**

In the matter of File Number 2003-03108, John Flevarakis, President t/a Dalis Painting Inc. Consent Order File, the board reviewed the record, which consisted of the Consent Order # 2003-0185 John Flevarakis of Dalis Painting Inc. entered into a pre IFF Consent Order.

**5 (20)
File
2003-03108
Dalis Painting**

Upon a motion by **Mr. Redifer** seconded by **Mr. Kirby** the Board ratified the Consent order as follows: for **Count 1, a monetary penalty of \$100.00 and remedial ed for violation of the Board's 2001 Regulation 18 VAC 50-22-220(A). Count 2, \$100.00 for violation of the Board's 2001 Regulation 18 VAC 50-22-220(B). Count 3, \$100.00 for violation of the Board's 2001 Regulation 18 VAC 50-22-220(C) for a total of \$300.00 and Remedial Education. John Flevarakis acknowledges that the penalty must be paid within thirty days of the order or Dalis Painting Inc.'s license will be suspended. John Flevarakis must successfully complete the Board's Remedial Ed class within six months of the signing of the order or Dalis Painting Inc.'s license will be suspended.** The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Paulette, Ms. Wood, Mr. Kirby and Mr. Hollar.

Inc

Steve Arthur spoke to the Board re Proposed fee increase based on deficit. He presented three proposals to the Board for their consideration. He shared that if the Board votes to send this forward then it will go to regulatory review. Mr. Arthur answered question about budgets and how fee increases are developed and monitored. Mr. Hart offered a motion to accept Proposal A for a fee increase. Mr. Redifer seconded the motion. Members voting No were: Wood, Paulette, Kinser and Hollar. The motion failed. Ms. Wood offered a motion to adopt proposal B and Mr. Paulette seconded it. The motion was unanimous. Members voting yes were: Wood, Paulette, Kinser, Hart, Kirby, Hollar and Redifer.

**Regulatory
Review – Fee
Increase**

Ellen Coates, (from the office of the attorney general) counsel for the Board expressed the need to discuss pending litigation. Mr. Kirby offered a motion to recess the Board for Contractor's regular meeting and go into closed session with Ellen Coates, Board Counsel and Eric Olson, Executive Director for the Board for Contractors to discuss the matter at 2:09 pm. The motion was seconded by Mr. Redifer. The Board entered into closed session with the following members being present: Mark Kinser, Dorothy Wood, James Hollar, William Paulette, Robert Kirby, Kenneth Hart and Michael Redifer.

**Closed
Session and
Certification
of Closed
Meeting**

Certification of Closed Meeting. Whereas, the Board for Contractors has convened a closed meeting on August 20, 2003 pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and Whereas, §2.2-3712 of the Code of Virginia requires a certification by this Board for Contractors that such closed meeting was conducted in conformity with Virginia law; Now, therefore, be it resolved that the Board for Contractors that to the best of each member's knowledge, (i) only public business matters lawfully

exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board for Contractors. Members voting "Yes" were: Mark Kinser, Dorothy Wood, James Hollar, William Paulette, Robert Kirby, Kenneth Hart and Michael Redifer. The motion was made with respect to the matters identified as agenda item 8 (new business).

At 2:52 pm the meeting of the Board for Contractors reconvened. Mr. Hart offered a motion that the Board not negotiate on File # 2002-00494 Angela Hudson t/a Custom Homes of VA and Mr. Redifer seconded the motion. The vote was unanimous. Members voting yes were: Kinser, Wood, Hollar, Paulette, Kirby Hart and Redifer. Mr. Redifer offered a motion to rescind Final Order 2003-0026 and enter into a Consent Order. The motion was seconded by Mr. Paulette. The vote was unanimous. Members voting yes were: Kinser, Wood, Hollar, Paulette, Kirby, Hart and Redifer.

**Board
Meeting
Reconvened**

Karen O'Neal, Deputy Director, addressed the Board concerning PPG changes. She discussed allowing electronic notification by e mail to organizations and PPG lists participants. This would enhance our communications. Mr. Redifer offered a motion to adopt the proposal of electronic notification and Ms. Wood seconded it. The vote was unanimous. Members voting yes were: Kinser, Wood, Hollar, Paulette, Kirby, Hart and Redifer.

**Regulatory
Review - PPG**

Mr. Olson presented the Remedial Education Report prepared by the Examination Section of the Agency and reminded them they each had a copy for their records.

**Remedial
Education
Report**

Eric Olson spoke with the Board about the Tradesman Regulations and Mr. Paulette offered a motion to move the Tradesman Regulations into review in order to address some changes in eligibility and address continuing education. Mr. Kirby seconded the motion. The vote was unanimous. Members voting yes were: Kinser, Wood, Hollar, Paulette, Kirby, Hart and Redifer.

**Regulatory
Review –
Tradesman
NOIRA**

The Board reviewed the Recovery Fund Statements for June of 2003.

**Recovery
Fund
Statements**

The Board approved the 2004 meeting schedule with a motion offered by Ms. Wood and seconded by Mr. Paulette. The vote was unanimous. Members voting yes were: Wood, Paulette, Kinser, Hollar, Hart, Redifer and Kirby.

**2004 Meeting
Schedule**

Mr. Olson reported the status of his inquiry for Board's representation on the Underground Utility Advisory Board (Miss Utility). § 54.1-265.31 provides for a member of the Board for Contractors to serve on this advisory board with the State Corporation Commission. At the last meeting the Board asked staff to see if it would be possible to have a "rotating" assignment, allowing members to serve for one or two meetings at a time. The response was, at best, predictable and, with the claim denied, the Board would revert to its back-up plan of having Mr. Kinser as agreed as the Board for Contractors representative.

**Miss Utility
Advisory
Committee**

Mr. Olson updated the Board on the status of the Building code Advisory Committee. DHCD's statutes do not allow the Board for Contractors to be on the Board. He sent a written request for an ex officio member to be in attendance at the meetings. There should be an answer by the Board for Contractors October meeting.

**Building
Code
Advisory
Committee**

Karen O'Neal shared with the Board some of the anticipated duties of an individual hired by DPOR. This individual will also act as a hearing officer taking over the application IFF duties for the Board members. This would free up Board member's time spent in those IFFs to hear an extra 60-80 disciplinary cases. DPOR is also planning to explore other possibilities of perhaps using ex-Board members to assist in the IFF process in an effort to work on the backlog of cases in the Enforcement Division. After hearing about the pending exploration a motion was offered by Mr. Paulette to endorse the agency pursuing areas to assist the Board with the Backlog and it was seconded by Ms. Wood. Members voting were: Wood, Redifer, Paulette, Kinser, Kirby, Hart and Hollar. The motion carried.

New Business

Chairman Kinser reminded the board members to complete their travel vouchers and Conflict of Interest forms and to give them to Sheila Watkins at the end of the meeting for processing.

**Completion
of Paperwork**

Their being no further business to come before the board, the meeting was adjourned upon a motion by Mr. Paulette and seconded by Mr. Redifer. The vote was unanimous. Members voting yes were, Mr. Hart, Ms. Wood, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Paulette and Mr. Redifer at 3:15 p.m.

Adjournment



Mark D. Kinser, Chairman



Louise Fontaine Ware, Secretary

Copy teste:

Custodian of the Record

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Robert M. Kirby
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

Pres. D.E. Kirby, Inc.

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D.E. Kirby, Inc., Builders & Contractors Exch.,
ALC of VA.

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Robert M. Kirby
Signature

August 20, 2003
Date

STATE AND LOCAL GOVERNMENT

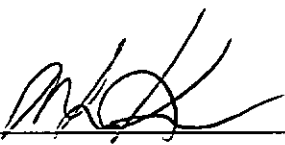
CONFLICT OF INTEREST ACT

1. Name: Mark D. Kinser
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

August 20, 2003
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

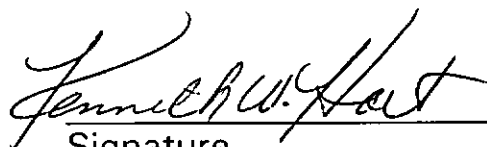
1. Name: Kenneth W. Hart
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:


(b)

I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

August 20, 2003
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Charles W. Falwell
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

Board Member

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- ☒ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Charles W. Falwell

Signature

August 20, 2003

Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT


1. Name: Michael D. Redifer
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

VALDA, UPMIA, IAEI, ILL, NFPA

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

August 20, 2003
Date

STATE AND LOCAL GOVERNMENT

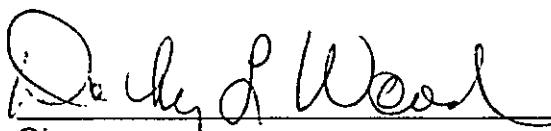
CONFLICT OF INTEREST ACT

1. Name: Dorothy L. Wood
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

August 20, 2003
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: James A. Hollar
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING

5. Nature of Personal Interest Affected by Transaction:

HVAC, PLUMBING, ELECTRICAL
GAS FITTING, BACKFLOW

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

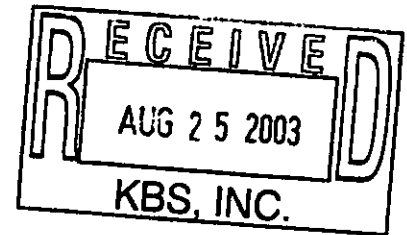
CMAA, INC, PHCC, ACCA

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

James A. Hollar
Signature

AUGUST 20, 2003
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT



1. Name: William A. Paulette
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

RECEIVED

AUG 29 2003

BD FOR CONTRACTORS

Signature

A handwritten signature in dark ink, appearing to be "W. A. Paulette", written over a horizontal line.

August 20, 2003
Date